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DRUGS, LAW ENFORCEMENT AND FOREIGN POLICY

HEARINGS

BEFORE THE

SUBCOMMITTEE ON TERRORISM, NARCOTICS AND INTERNATIONAL OPERATIONS

OF THE

COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

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DRUGS, LAW ENFORCEMENT AND FOREIGN POLICY

TUESDAY, AUGUST 29, 1989

U.S. SENATE,
SUBCOMMITTEE ON TERRORISM, NARCOTICS AND
INTERNATIONAL OPERATIONS
OF THE COMMITTEE ON FOREIGN RELATIONS,
New Bedford, MA.

The subcommittee met at 9:36 a.m. at Buttonwood Community Branch Library, 745 Rockdale Avenue, New Bedford, MA, Hon. Claiborne Pell (chairman of the committee) presiding.

Present: Senators Pell and Kerry.

The CHAIRMAN. The Committee on Foreign Relations will come to order.

I want to thank Senator Kerry for initiating this hearing today in New Bedford, and as chairman of the Subcommittee on Terrorism, Narcotics and International Operations, Senator Kerry has worked tirelessly over the last several years to uncover the forces responsible for drug trafficking.

I can tell you that Senator Kerry's ongoing investigation was a pivotal source of information during our congressional efforts to enact the Antidrug Abuse Act of 1988.

As we all know, it is this act that provides the President with the foundation he needs to direct the war on drugs that is more than rhetorical. We look forward to hearing what the President has to say next week, and I welcome this opportunity to continue working with Senator Kerry and everyone else here today.

In Washington right now there is great concern and excitement over the events transpiring in Colombia. Concern because the odds are against the Colombian people and the Colombian Government. The drug lords of Colombia have private armies, their own air fleets, sophisticated weapons, billions of dollars at their disposal.

What is potentially exciting is the decision by the President of Colombia to allow the summary extradition of the Colombian drug lords. But of course they must be caught first. More importantly, President Barco's government has already begun confiscation of millions of dollars of assets.

The Colombian judicial system cannot stand alone against the power of the drug lords. The tide of assassinations and corruption has been too much to bear for even the bravest men and women. I believe the answer lies in the American judicial system and our cooperative efforts with the Colombian Government to bring the drug lords to justice.

The United States relationship with drug producing countries like Colombia will be pivotal in our efforts to win the war on drugs, but more importantly, how do we fight this war within our own borders?

That is why we are here today with so many distinguished State and local officials and mayors and attorneys general, to listen to those who run the cities where drug dealers and drug users live, to hear from those who must catch and prosecute them.

In closing, I would like to thank Mayor Bullard and the city of New Bedford for hosting today's discussion and I would particularly like to thank the mayor of my own capital city, Providence, Joe Paolino, and Rhode Island Attorney General James O'Neil, for taking time from their schedules to come across the border and be here in the Commonwealth of Massachusetts today.

Now, it is my very real pleasure to turn the gavel over to our own distinguished citizen and Senator, Senator Kerry. I would just observe, it seems like only a year or two ago, but it is a little bit longer, when he was a witness before our committee in Washington as perhaps the most articulate and distinguished of the anti-Vietnam war witnesses.

I remember saying to him at that time, "I look forward to the time when you will be on this side of the dais, not that side of the dais," and here a few years later, that has happened. So, I turn the gavel over to Senator Kerry. I also apologize to him, I am going to have to leave at about 12 noon.

Senator KERRY [presiding]. Mr. Chairman, I am aware of that. Thank you very, very much for your comments, and thank you very much for your willingness not only to host this hearing today, here in New Bedford, but your willingness to allow the Foreign Relations Committee to take such an important role in helping to uncover the depth of the problem and later to help try to fashion and response to it, and I think it has made a tremendous contribution. I am very grateful to you personally for our ability to be able to do that.

I would like to thank all of the participants this morning, but particularly I want to thank our distinguished group of witnesses. We have, I think, a very, very strong and important panel here this morning.

We are going to hear from the mayors whose responsibility it is to try to preserve order in their communities with limited resources, fighting against the cartel of Colombia as much as the people in Colombia are.

We are going to hear from Admiral Rybacki of the Coast Guard and the DEA, U.S. attorney on the Federal side as it impacts on the local communities, and we are going to hear from friends and colleagues of mine with whom I have worked for a long time, district attorneys and Attorney General of the Commonwealth Jim Shannon, all of whom are bearing the brunt of the responsibility to try with minimal resources to wage what has been rhetorically referred to as a war and politically as a war, which every American knows is a far cry from what most of us understand war to be.

Let me just make a couple of comments before we turn to the witnesses that we came to hear from. First of all, why are we here in New Bedford and why is this important? It is important because

what is happening in Colombia and what has happened in Panama are not isolated incidents peculiar to a foreign country.

Whether or not Colombia wins its war—its civil war—is central to the question of whether or not we will win our drug war, and if Colombia fails, folks, we fail.

If criminal enterprises have the capacity to steal a nation and terrorize the civilized institutions of that nation so that they cannot prosecute people, they cannot send them to jail, they cannot extradite them, they cannot even sit in a courtroom or run for office without being murdered, then civilized society as we know it has been threatened as much as it was threatened in other wars in this century and other conflicts of this century.

The stakes are high. The stakes are far higher than most Americans have been willing to admit, and we have to end the rhetoric and begin the reality of the fight against drugs.

There is no one beginning place. It is not just prosecution. It is not just treatment. It is not interdiction or law enforcement. It is a question of when you wage a war, you do it on all fronts.

You do it in order to win, and I sit here as a participant—and a proud participant—of an effort to try to carry out a war in Vietnam where we did not have a strategy, we did not have the support of the country and we did not have a goal to win.

I do not want to be part of any kind of such war ever again, and it is clear to me that when we return to Congress in a few days we are going to have an opportunity to fashion a response to this scourge.

So, we are here today to listen to people who I believe can help us define that response effectively, reasonably, intelligently, and sensitively and hopefully come up with some suggestions that we can take back.

I assure you that for Senator Pell and myself, listening to you today will give us the ability to go back to Washington and as we legislate federally be able to say, "Look, you know, this is what the mayor said, of New Bedford, and this is what the attorney general knows we need and we have got to have."

Now, I will tell you, cocaine does not know any ideologies, and these people who run these cartels have declared war against civilized society and we have got to get engaged in it.

If they need radars, we have got to give them radars. If they need communications equipment, we have got to do that. If they need helicopters in order to fly people to take out cocaine processing plans, they have got to have those helicopters.

Because unless we show to the criminal element that crime does not pay, we will have sent the opposite message, which is that it does, and we will have encouraged and allowed this scourge to continue. It is that important.

Carlos Leider was a kingpin of the Medellin cartel. He was extradited from Colombia. He is now in jail for life in the United States, and during his trial Carlos later said that cocaine is the Latin American atomic bomb, and it is aimed at the United States.

So, make no mistake about it, what happens in Colombia and its outcome is critical to what will happen on the streets of New Bedford, Fall River, Providence, and every other community in this State.

I am pleased that we are here, delighted that we have a panel as competent and as much a part of this effort as all of you are, and I look forward to your testimony.

Again, I thank the chairman of the Foreign Relations Committee for taking his time to join us today, but more importantly for his having been willing to commit the resources of the Foreign Relations Committee to this effort long before it surfaced as a front-line issue and one which most people would have thought merited that kind of attention.

If I may, I would like to begin—in deference to the chairman of the Foreign Relations Committee we will lead off with the mayor from his home city of Providence and then our host city, Mayor John Bullard. So Joe, we welcome you. We are delighted to have you here and we look forward to hearing your testimony.

STATEMENT OF JOSEPH PAOLINO, MAYOR OF PROVIDENCE, RI

Mr. PAOLINO. Senator, thank you. I appreciate you giving us this opportunity to testify here today.

Senator KERRY. Would you pull the mike a little closer to you?

Mr. PAOLINO. Thank you for the opportunity to testify here today on America's most terrifying problem. Drugs are killing our children. They are destroying our families and our neighborhoods. Every neighborhood in America is affected, and now we are seeing drug dealers in Colombia at war with their own government.

I certainly support any effort to help the Colombian Government to fight this war, and I would urge the Senate to swiftly respond to any request for aid by the Colombian Government. But here at home, from city council to the halls of the Capitol, we need to do more.

Sine 1981 only 3 percent of the money the Federal Government has spent on the drug war has gone to State and local governments, where the real crimes are happening.

As a member of the Board of Directors of the United States Conference of Mayors I met with William Bennett. We talked about what we would like to see in his drug policy.

I must say to you that I was impressed with our meeting with him. He seemed to care about this problem. He wanted to put together a good, comprehensive plan to fight the drug war here at home and abroad.

But we will find out that real commitment on September 5. We will find out that real commitment when the appropriate and necessary dollars to go along with that drug war. Because we cannot fight it with blue smoke and mirrors. It is not going to work that way. We cannot steal from one to pay for the problem on the other hand. It just will not work.

I am encouraged by the conversations we had with Bennett, but I will be more encouraged when I see the kind of financial commitment that the President will appropriate toward this on September 5.

But what we are seeing this week in Colombia makes it all the more important to bring drug lords to justice. It has to be a tough justice.

It has to be justice dealt in the American courtroom. We urge Dr. Bennett to recommend tougher extradition laws that will allow us to get cartel leaders into American courts.

We need to get tough on offenders. We need to put dealers behind bars, and I believe we need to give courts the option of the death penalty for drug dealers.

We have arrested 5,000 people in Providence on drug charges in the last 5 years, and in that time the State has not built one new prison cell. The Federal Government needs to help, since those 5,000 people are still on the streets. They are in our backyards, they are in our homes, and they are destroying us.

At a local level we have done as much as we can, but it is tough to keep up. When I see kids who think success is measured in kilos, I am concerned.

We have to set examples. We have to get more funding for education programs that teach kids self respect. We need to teach kids not just to say, "No," but to be proud of themselves.

In Providence we have increased our police department, expanded drug forfeiture laws to allow us to use drug money to educate and to treat. We have put together innovative programs that teach self respect, like the mayor's A-Team we have, with young people from public housing units working with Brown University.

These are a group of at-risk middle schoolers from public housing, as I stated, who are working with city officials and Brown University students to get a better start and keep them off drugs. These are the kinds of programs that need Federal funding.

In Providence, we have formed partnerships to help us fight the drug war. We have developed a list of creative programs like the Theater for Emily Project, after school education programs at community centers and the Rap-It-Up Program with the Urban League. Our kids even cut an antidrug rap album.

We can move young people, if we have the will, if we have the funds, and if we understand the depth of the problem.

We have to understand that inner city kids need a chance. They need to see that they can make it without drugs, that the image of the drug dealer in a fast car with a roll of cash in his sock is not the way to go.

We need help at the State and local level. If I were sitting behind that table with you I think I would be fighting on a few levels.

I would fight for interdiction. I would fight for an international drug summit. I would fight for aid to Colombia. I would fight for extradition. I would fight for full funding for antidrug programs.

I would fight to expand State and local sharing of seized assets. I would fight for more funding for treatment, education, and creative programs that teach self respect, and I would also fight to work to deport any illegal alien arrested for drug dealing.

I would fight the drug lords, and when I did, I would be standing behind every mother and father who cares about preserving traditional family values.

I thank you very much for the opportunity to testify today. I want to State that one thing we have done in Providence, which I stated, is we put together an album, a Rap-It-Up cassette album with young people in our public housing units, and we are going to

have a concert right after at Roger Williams Park on September 16.

We are trying to get our young people involved, but I will tell you, when we are going after these people that are destroying our neighborhoods, and once they are arrested by our police over and over again it gets ridiculous if we do not have a place to put them.

The boot camp concept is something that is intriguing. I think it can work. We need a place to put them. We do not need to put them in our backyards.

Thank you very much. [Applause.]

Senator KERRY. Thank you very much, Mr. Mayor. Let me just comment before I turn to the mayor of New Bedford, I appreciate particularly your call for a summit.

About 2 years ago I suggested to then President Reagan that if you are going to have an international drug war you have got to have a strategy. To this day, as we sit here with Colombia exploding around us, with Panama in the hands of Noriega, there still has not been a major, high-level meeting to fashion an international, multiforce strategy between Latin and Central American countries. It has not taken place.

Now, how you can have a war without strategy is beyond me. We simply have not begun to engage. I have talked personally with President Arias of Costa Rica, President Cerezo of Guatemala. None of them have been brought into a loop in which we could create the kind of international resource necessary in trying to deal with this.

Now, one other comment I would make. I spent time in the Vietnam conflict before I was in the country off the coast in the Gulf of Tonkin. We were able to track every single MIG that flew out of Hanoi, and we did, obviously, as well as our own aircraft.

Why it is that we have not put up some kind of barrier interdiction capacity, at least for tracking, is beyond me. I do not understand that yet. Nobody has given me a good answer.

So, it seems to me you are on target when you suggest that the summit and the other things you think we ought to fight for are precisely what we ought to be fighting for and I echo the comments of the chairman that we wait anxiously for President Bush's comments on the September 5, and I hope that we will be permitted to make a judgment that they are moving in that correct direction.

[The prepared statement of Mr. Paolino follows:]

STATEMENT OF JOSEPH R. PAOLINO, JR.

Thank you for the opportunity to testify here today on America's most terrifying problem.

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Every neighborhood in America is affected. And now we're seeing drug dealers in Colombia at war with the Colombian Government.

I certainly support any effort to help the Colombian Government fight this war, and I would urge the Senate to swiftly respond to any request for aid by the Colombian Government.

But, here at home, from city council chambers to the hall of the Capitol—we need to do more.

Since 1981, only 3 percent of the money the Federal Government has spent on the drug war has gone to state and local governments, where the real crimes are happening.

As a member of the Board of Directors of the U.S. Conference of Mayors, I met with William Bennett. We talked about what we would like to see in his drug policy.

But what we're seeing this week in Colombia makes it all the more important to bring drug lords to justice. It has to be a tough justice. It has to be justice dealt in an American courtroom.

We urged Dr. Bennett to recommend tougher extradition laws that will allow us to get cartel leaders into American courts.

We need to get tough on offenders. We need to put dealers behind bars, and I believe we need to give courts the option of the death penalty for drug dealers.

But the most important thing we need from the Federal Government is funding for new prisons.

We're arrested 5,000 people in Providence on drug charges in the last 5 years. And in that time the state hasn't built one new prison cell. The Federal Government needs to help.

At the local level we've done as much as we can. But it's tough to keep up. When I see kids who think success is measured in kilos, I'm concerned

In Providence, we've increased our police department, expanded drug forfeiture laws to allow us to use drug money to educate and treat. We've put together innovative programs that teach self respect like the Mayor's A-Team.

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We have to understand that inner city kids need a chance. They need to see that they can make it without drugs—that the image of the drug dealer—in a fast car with a roll of cash in his sock—isn't the way to go.

We need help at the state and local level.

If I were sitting behind that table with you, I think I'd be fighting on a few levels.

I'd fight for interdiction. I'd fight for an international drug summit. I'd fight for aid to Colombia. I'd fight for extradition. I'd fight for full funding for antidrug programs. I'd fight to expand state and local sharing of seized assets. I'd fight for more funding for treatment, education, and creative programs that teach self-respect. I'd fight the drug lords, and when I did I'd be standing behind every mother and father who cares about preserving traditional family values.

Thank you very much for the opportunity to testify here today.

Senator KERRY. Thank you very much.

Mayor Bullard.

STATEMENT OF JOHN K. BULLARD, MAYOR OF NEW BEDFORD, MA

Mr. BULLARD. Senator Kerry and Senator Pell, we are grateful that you bring this subcommittee to New Bedford to discuss the issue of drugs. Drugs is, of course, the issue where foreign policy and urban policy meet.

The effect of drugs on New Bedford is similar to other cities and it is well known. Lives are ruined through addiction. Antisocietal subcultures flourish. Housing and neighborhoods are destroyed. Police courts and prisons are clogged, and every day young people are continually recruited into a destructive lifestyle.

Our response in New Bedford is threefold: enforcement, education, and treatment. In enforcement, we too, despite declining resources, have added police. Our drug arrests are up 58 percent in 2 years.

In education, we have programs in our public schools from grade 3 through grade 12. We also have innovative programs like peer counseling that are done with the help of many of our good, non-profit organizations.

In the area of treatment, we have 400 people every day getting treatment on methadone through our Center for Human Services, but still there are waiting lists and one can only contemplate what a drug addict is doing while on that waiting list.

Our needs are manifold. We have a need to keep schools open after 3 p.m. in the afternoon, to provide activities—constructive activities—for our young people. We have a need in New Bedford and elsewhere for treatment on demand. There is no excuse for a waiting list. We need more police. We need more courts and prison space.

The U.S. Conference of Mayors, as Mayor Paolino has mentioned, has outlined in detail a drug policy which to this date has been ignored by the administration and I commend it to your committee.

The Antidrug Abuse Act of 1988 funds many of the programs that meet these needs, but in summary it just is not enough—$1 or $2 billion out of a budget of $1 trillion is simply not fighting a war on drugs.

The people of New Bedford, the people of Massachusetts, the people of the United States want to fight a war on drugs. More importantly, they want to win a war on drugs. If there really is a war, and not just a war of words, then we should not hold back. We should not be making excuses about our deficit. We should not be reluctant to ask the people to sacrifice toward the goal of victory.

Senator Kerry, as you have mentioned, you personally fought in a war where the United States held back, confused as to its mission, reluctant to go all out for victory. You, more than anyone, know what misguided policy that is, how it costs lives and saps our Nation's strength.

We are not being invaded by Russians. We are not being invaded by savings and loans. We are daily, in New Bedford, being invaded by foreign people, in our case mostly Dominicans, carrying foreign drugs.

We would like you to take this message back from New Bedford: "We want Washington to stop talking about a war on drugs. We want Washington to start fighting a war on drugs as if you really mean it."

Thank you. [Applause.]

Senator KERRY. I appreciate, very much, that strong and forceful statement, Mr. Mayor. And I share completely with you the frustration, obviously, over the enormous gap between the rhetoric and the reality, and hopefully, when we probe in the questions, we can look to what you think would make the most significant differences, in terms of specific programs.

Mayor Viveiros of Fall River.

STATEMENT OF CARLTON M. VIVEIROS, MAYOR OF FALL RIVER, MA

Mr. VIVEIROS. Thank you, John.

Senator Kerry and Senator Pell, thank you for inviting me to this hearing. I commend you, both of you, on your leadership, the leadership you have demonstrated on this issue, known as the war on drugs.

I appreciate this opportunity to discuss public enemy No. 1, drug abuse, and Fall River's response. I will begin by quoting from a recent news report:

> We declare total war on the government, on journalists who have attacked and abused us, on judges who have sold out to the government, and all who have attacked us.

Those are not the words of a fanatic religious group. Those are the words of drug terrorists in Colombia, but they are just as zealous in paying homage to their god, which is, of course, money.

Yes, a good part of what we are talking about today is the result of greed. It is greed that feeds the flames of violence in Colombia and throughout the world. It is greed that destroys young lives. It is greed that is causing senior citizens throughout the Nation to fear a simple stroll down the street.

In Fall River, in 1985, a cross section of the community banded together to fight the greed. Students joined police officers, educators joined journalists, parents joined health professionals; and others in the private sector got involved.

Together, they make up the city's Substance Abuse Prevention Committee. As a result of their work, substance abuse courses are taught from kindergarten through high school. There are crisis intervention teams. Key people on the front lines: teachers, administrators, principals, and coaches, have been trained in drug prevention. And with the assistance of the police department and the district attorney's office, a more comprehensive substance abuse policy was developed for the schools.

And I have only scratched the surface of their accomplishments. If I may be permitted, I will enter into the record that committee's report on their activities, which goes into much greater detail.

Senator KERRY. Without objection, that will be put in the record.

[The information referred to follows:]

REPORT ON SUBSTANCE ABUSE PREVENTION EFFORTS

I am pleased on behalf of the Substance Abuse Prevention Committee (SAPCO) of the Governor's Alliance Against Drugs to present to you this report of the committee's efforts in the area of alcohol and drug prevention for all the children of the city's schools—public and private.

As you know, during the school year 1985–86 a citywide committee was organized with 45 members representing a wide variety of community agencies under the umbrella of the Governor's Alliance Against Drugs. While as Superintendent of Schools I chaired the committee ex officio, the practical aspects of organizing and conducting committee business was in the hands of Marie Snyder of the Health and Physical Education Department. It is important to note that Mrs. Snyder was active in behalf of the schools prior to the organization of the SAPCO group, and from the period 1982–85 did in fact put into place a number of programs aimed at responding to the issues of drugs and alcohol in the schools. However, the broad-based committee under her direction has made great strides in putting together a comprehensive program at all grade levels and utilizing as much external financial support as possible.

I think it is very important to note that your commitment of $20,000 in the July 1, 1985 school budget was instrumental in getting the SAPCO Committee up and running. That committee has utilized those seed funds to obtain grants from the Governor's Alliance Against Drugs, the Knight Foundation of WSAR, and the We

Love Children Fund. The committee was instrumental in adopting a school department Substance Abuse Policy based upon education and compassion as opposed to purely punitive measures. Participation of the Fall River Police Department, as well as the District Attorney's office, was instrumental in the qualitative nature of that policy.

Through the SAPCO Committee considerable training of public and private school administrators and teachers has been accomplished. Numerous speakers have been engaged. Curriculum at the elementary and middle school levels has been developed. Crisis intervention teams at the middle and high schools formed. Considerable written information provided to students and significant community activities arranged. Drug awareness weeks have been held at all schools involving community social service agencies. Pilot programs of the Governor's Highway Safety Commission in conjunction with the University of Minnesota Department of Public Health have been conducted. Peer education programs have been implemented. An extraordinary program at the 5th grade level "Bear Down on Drugs" has been offered in conjunction with the Fall River Police Department. Training workshops are provided at all levels—35 athletic coaches have received inservice training, 120 elementary and special education staff members and 20 crisis intervention counselors have received advanced course work.

The difficulty with any prevention program is that unlike treatment programs, you cannot always show the number of incidents prevented as opposed to the number of cases treated, but we can assure you that the comprehensive nature of this citywide committee comprised of public school, private school, social service agencies, and police personnel guarantees the widest possible range of human resource input into the problem.

I am extremely pleased with the commitment that the SAPCO Committee members have made and of their accomplishments. I hope that after you have had an opportunity to review this report you will agree that the effort initiated has born significant fruit. It is true that if both the state and federal government increased moneys available to combat alcohol and substance abuse we could do more, but the fact is we are functioning on a very regular and successful basis and have positioned our programs to take advantage of educational funds and resources that might become available.

Introduction

The following comprehensive report of the Substance Abuse Prevention Committee is submitted to you today in order to bring you up to date on the overall activities of the committee and in part to restate the history of the committee.

It is my hope that this report receive the widest possible dissemination to assure the citizens of Fall River that a broad based continuous program of substance and alcohol prevention is at work and at work successfully.

While this committee was initiated on March 21, 1985 (with 45 members) under the aegis of the Governor's Alliance Against Drugs, the public schools had undertaken prevention efforts in the period of 1982-85 that included the establishment of a crisis intervention counselor position at B.M.C. Durfee High School through the Fall River Public Schools' Health Advisory Council. In addition, other efforts during this period included a revision of the health education substance abuse curriculum and participation in a Massachusetts Safety Council Pilot Program which consisted of five elementary health education units around the theme of students against drunk driving.

From the inception of the SAPCO Committee in 1985, however, significant and rapid strides in the development of inservice training, informational programs, curriculum development, materials acquisition, and community participation has resulted.

This report, then, will focus on these areas as well as others.

On March 21, 1985, 45 members convened to launch the SAPCO Committee. Representation was included from public and parochial schools, business and industry, parent and student groups, alcohol and substance prevention professionals, and police department, district attorney's office, and clergy.

Subcommittees were formed to deal with the following areas:

No. 1. Needs Assessment; No. 2. Education; No. 3. Policy; No. 4. Prevention; No. 5. Treatment; and No. 6. Communication.

These committees were extremely active and recorded the following accomplishments:

1. *The Needs Assessment Committee.*—Chaired by William Whitty of Congressman Barney Frank's office, developed and administered a staff survey. Results indicated the need to target middle schools for support in the program's first year.

2. *The Education Committee.*—Chaired by Marie Snyder of the school department, development an inservice program that trained 100 middle school administrators and staff in a 15 hour program; purchased curriculum materials; developed a second inservice training program to 10 hours for guidance counselors, and nurses; and developed a proposal, accepted by the school committee to hire (under E.E.O.G. funding) four middle school health educators (one bilingual) to implement a preventive program at that level.

3. *The Policy Committee.*—Chaired by Natalie Kaufman, Crisis Intervention Counselor, examined the Fall River Public Schools' Policy on Substance and Alcohol Abuse and found only a passing reference—"the use or abuse of drugs and alcohol will not be tolerated in the Fall River Public Schools."As a result the full committee worked several months on a policy that was reviewed by the Fall River Policy Department and the District Attorney's Office. It is based upon the recognition that users and abusers of drugs and alcohol need assistance through counseling and medical attention. The policy then is based upon compassion and help; rather than punishment. The Fall River School Committee adopted the policy upon the recommendation of SAPCO and the Superintendent of Schools in March 1986.

4. *The Prevention Committee.*—Chaired by Donna Valente, school nurse, developed a speakers program. Speakers addressed students, faculty and parents, as well as doing several cable T.V. presentations. Speakers included: Joan Green, Director of the Therapeutic Readiness Program, Newton Public Schools; Rev. John McVernon of Mediplex, NY; Thomas Cullen, Director of the Governor's Alliance Against Drugs; M.L. Carr, Boston Celtic great who appeared at Henry Lord Middle School—courtesy of Bank of Boston; Lonice Byars, mother of the late University of Maryland great and Boston Celtics first round draft choice Len Bias; and Derek Sanderson, Boston Bruins great, who is doing a year long program in Fall River through the courtesy of BFI Industries.

In addition, this committee organized and conducted during May 1986, a community wide Drug Awareness Day at schools. At the city's shopping malls informational booths were set up and staffed and materials distributed. Evening programs for parents were also held.

5. *The Treatment Committee.*—Chaired by Thomas Croke of Mediplex, Inc., developed a program of workshops offered by such drug rehabilitation agencies as Lifeline and the Council on Alcohol, as well as by nurses and counselors.

6. *The Communication Committee.*—Chaired by Bernard Sullivan, then of the Providence Journal, organized a Substance Abuse Prevention Day in the schools, developed information articles for the media, electronic as well as print, and developed and published an agency resource card—H.E.L.P.—to provide information on the availability of emergency treatments.

The initial year of the citywide SAPCO committee was extremely busy and productive. Much of the first year's activity was supported by $20,000 provided by the City Administration in the supplementary budget for the School Department. That seed money has led to subsequent grants obtained from a variety of external sources.

The second year of the SAPCO Committee activity began with the training of three Middle School Health Educators and one Crisis Intervention Counselor who attended a 5 day Substance Abuse Workshop for curriculum development.

The Rev. John McVernon, Director of Mediplex Drug and Alcohol Centers, addressed the entire Administrative Staff and SAPCO Committee at the first leadership institute session of the Public Schools in October.

Crisis intervention teams, comprised of administrators, teachers, counselors, and nurses at the high school and middle schools received special training by staff of Mediplex, Inc., at Spoffard Hall, NH, to complement a 15 hour training program conducted in Fall River.

The SAPCO Committee received a $7,586 grant from the Governor's Alliance Against Drugs to continue the development of a primary prevention program.

In addition, a second grant of $3,000 was received from the Commonwealth In-Service Institute to underwrite inservice training of staff.

The subcommittees continued to function actively and their major accomplishments during 1986–87 included:

1. *The Education Committee* developed a substance abuse curriculum for grades 3 through 5; began inservice training for elementary classroom teachers; purchased substance abuse material for elementary classroom use; provided speakers for parent groups, students, and staff; and in cooperation with the Fall River Policy De-

partment and radio station WSAR, began the widely acclaimed and highly successful grade 5 "Bear Down On Drugs" program.

2. The combined efforts of the *Prevention and Treatment Committees* resulted in advanced training for Crisis Intervention Staff by Mediplex, Inc., the publication and distribution of thousands of "If You Need Help" resource cards; the monitoring and evaluation of the substance abuse policy; and the referral, treatment, and counseling of 72 middle and high school students in need of substance and alcohol abuse care.

3. *The Community Committee* continued the sponsorship of Drug Awareness Week at all schools; poster contests at the secondary level; promoted the participation and involvement of community social service agencies; published a special edition of the Durfee Hilltop focusing on drug and alcohol abuse prevention; saw a special section on substance abuse published by the Fall River Herald News; and continued the work of a very active speakers bureau.

4. *The In-Service Committee* continued the offering of workshops which expanded the opportunities for the training of additional educators. From October 1986 through June 1987, Lifeline, the Center for Alcohol Problems, the Council on Alcohol, and Mediplex offered continuing workshops.

On June 30, 1987, an application for Governor's Alliance funding was submitted and subsequently approved for $32,382 for the 1987-88 school year.

The second year of the SAPCO Committee then, ended on a very positive note, that certainly guaranteed an excellent start for the 1987-88 school year.

Highlights of the 1987-88 SAPCO year included the receipt of the Governor's Alliance Against Drugs grant of $32,383; the training of 120 elementary teachers; the implementation of elementary curriculum with an impact on 3,600 children; the development of pilot programs under the auspices of the Governor's Highway Safety Council and in conjunction with the University of Minnesota; the first program in Massachusetts for Peer Education Training including 60 teachers and 180 students at grade levels—3, 4, 5, 7, and 9 and 11; continuation of Derek Sanderson's direct contact with students, faculty, and parents sponsored by Browning-Ferris Industries.

The impact of SAPCO and its solid base in the community can be seen in the continuing activities of its subcommittees in this third year. Their activities included:

1. *The Education Committee's* continued direct servicing of education programs to all grade 6 and 11 students with the support of community social service agencies; the establishment of two K-12 resource centers to house substantial information and curriculum—one at B.M.C. Durfee High School, the other at Bishop Connolly High School; the continuation and expansion of the "Bear Down On Drugs Program" culminating in an activities night at "Chuck-E-Cheese" in June for more than 1,000 city youngsters.

2. *The In-Service Committee* provided a 12 hour training program for 120 elementary and special education staff; peer leadership training for the secondary staff and 20 students; special training for 35 athletic coaches; and advanced intervention courses for 20 crisis intervention counselors.

3. The combined efforts of the *Prevention and Treatment Committees* resulted in the formation of middle and secondary school staff review of substance abuse policy and referral procedures; expansion of the crisis intervention teams; and the continuing presence in the schools of programs offered by the police department and Derek Sanderson.

4. *The Community Committee* continued its efforts with the presentation of a high impact play, "Eddie Was Here" for students and parents at both B.M.C. Durfee High School and Bishop Connolly High School; a continuing series of presentations on cable T.V. and WSAR; distribution of educational and informational information at businesses and work sites; the continuation of Drug Awareness Week; and providing speakers for community group meetings.

At the conclusion of the 1987-88 school year, a proposal for continued funding from the Governor's Alliance Against Drugs was submitted in the amount of $39,630.

This report provides an overview of SAPCO activities, needs assessment, training, crisis intervention, curriculum development, public information, and resource center development—a series of continuing activities—all designed to emphasize the evils and dangers of substance and alcohol abuse.

Treatment can often be observed by those who want quantitative measures. The nature of prevention is different from that of treatment and often defies quantification. But the efforts of the SAPCO Committee demonstrate broad based community input, participation and commitment. It emphasizes training and education. SAPCO has been, in my judgment, an exemplar of school, community, and government partnership.

For the school year 1988–89, the SAPCO Committee will initiate a new "No Smoking Training Program" in conjunction with the new Massachusetts law. We are anticipating continuing positive results in our overall program efforts.

Substance Abuse Policy

The school environment is the place in which intelligence, capabilities, and skills are developed and enhanced. Physical and psychological dependence upon chemical substances creates health problems and is counterproductive to the goals of education. Frequent use of any drug results in impaired performance. Therefore, use, possession, or sale of illegal drugs or alcohol cannot be permitted as it undermines the educational process. School policy has been developed to underscore our commitment to maintaining healthy growth and development in our students and a respect for the quality of our educational environment.

This policy applies to students attending any school-supported activity or event on or off school grounds.

Students Seeking Voluntary Drug/Alcohol Assistance

The school will provide, without penalties, assistance to any student who voluntarily seeks drug and alcohol treatment or advice. If a student voluntarily seeks information or assistance about illegal substance use and has not been apprehended for any violations, school staff will take the following action: immediately develop treatment plan including in-school and community resources; parents should be involved as soon as it is considered to be appropriate; and students will be given the opportunity to make up any school work that is missed.

Crisis Intervention Team on case-by-case basis will be convened consisting of concerned, supportive school personnel, parents and students to: clarify the problems that are interfacing with the student's education; describe relevant school policies and procedures that might have an impact on student if plan is not followed; and develop plan to address these problem areas.

1. If a student voluntarily confides a drug and alcohol problem to a staff member, the following steps will be taken on a confidential basis to develop treatment options: (a) Staff member should refer student to identified counselor or guidance secretary for assignment of school adjustment counselor; (b) No disciplinary action is warranted; (c) Counseling with in-school and outside treatment resources; and (d) Parents should be involved as soon as it is considered appropriate.

2. If student is suspected of being under the influence of drugs or alcohol—no substances (contraband) have been found: (a) Nurse will be notified to assess potential medical risk; (b) Designated administrator will notify parents who will take student home; (c) Staff members, student and parents will hold conference to develop background information and treatment options; and (d) Primary focus of intervention is medical evaluation, parent involvement, in-house team meeting and guidance counseling.

3. Student found to be in presence of other students using or distributing substances: (a) Staff member will notify designated administrator; (b) Administrator informs parents of student's involvement; (c) Referral to counselor for further exploration; and (d) Disciplinary action may occur. Suspension up to 5 days may result at discretion of administrator.

4. Student found to be in possession of a drug or alcohol: (a) Staff member notify designated administrator; (b) Administrator informs parents of student's involvement; (c) Referral to counselor for development of background information; (d) Notification of police. Any drugs found must be turned over to police officer; (e) Mandatory automatic suspension for 5 days; (f) *Crisis Team Intervention Meeting:* Parent—Police—Student—Staff meeting during suspension period to discuss recommendation and need for further treatment; (g) Readmission to school will be contingent upon compliance with recommendations and report from treatment resources; and (h) Elementary administration will determination appropriate disciplinary action for elementary school students.

5. Student found selling or distributing drugs: (a) Staff member will notify designated administrator; (b) Administrator informs parents of student's activity; (c) Referral to counselor for development of background information; (d) Notification of police. Any drugs must be turned over to police; (e) Mandatory *maximum* legal suspension of 9 days; (f) *Crisis Team Intervention Meeting:* Parent—Police—Student—Staff meeting during suspension period to discuss student's behavior and problem, and to discuss and development treatment recommendations; (g) Automatic hearing for long-term suspension; (h) Readmission contingent upon hearing with documented successful treatment from community substance abuse treatment services; and (i)

Elementary school administration will determination appropriate disciplinary action for elementary school students.

The above procedures are applicable for students in grades Kindergarten through 12.

Repeated violations of drug and alcohol policies by a student will be referred to Crisis Intervention Team. The team, after evaluation, will make appropriate recommendations to the Superintendent of Schools for appropriate actions.

CRISIS TEAM ACCESS

1. Student exhibits signs or symptoms of substance abuse: (a) Sudden academic deterioration; (b) Attendance problems; (c) Changes in physical condition; (d) Criminal involvement; and (e) Increasing violence.
2. Student is suspected of being under the influence of drugs and/or alcohol when it is suspected the students senses are affected: (a) Nurse notified to assess medical risk; (b) Administration will notify parents of students condition; (c) Parent's must come to school and remove student; and (d) Administration refers to crisis team contact person.
3. Student is found to be in presence of other students using prohibited substances: (a) Staff notifies administration; (b) Administration informs parents of student's involvement; and (c) Contact made with crisis intervention team.
4. Student is found in possession of drugs and alcohol: (a) Staff member notified designated administrator; (b) Administration informs parents of student involvement; and (c) Contact made with crisis intervention team.

CRISIS TEAM INTERVENTION

1. Crisis Team contact person explores with major subject teachers/guidance counselors, student areas of identified concern.
2. Crisis Intervention Team if necessary distributes referral forms to major subject teacher for development of an extended data base. (Forms can be filled out anonymously).
3. Crisis Team convenes, discusses available information and determines if further evaluation is indicated.
4. Should the Crisis Team determines that concern exists regarding substance abuse, administrator, parents, and original referral source are notified that further Crisis Team intervention is warranted.
5. If no further intervention is recommended at this time, the Crisis Team will inform the original referral source and will monitor student's progress periodically.

LETTER FROM JEANNE M. CHADWICK

August 27, 1989.

Senator JOHN KERRY,
U.S. Senate, Transportation Building, 10 Park Plaza, Boston, MA.

Dear Senator KERRY: Thank you for the opportunity to submit this written testimony in regard to the effects of drugs in our community.

I have lived in New Bedford most of my life and am well acquainted with the neighborhoods and the people. During the period of 1982–88, I witnessed, as have many citizens, the destruction of a neighborhood, due exclusively to the introduction of cocaine.

What had once been a close-knit, but poor neighborhood, evolved into an eye sore of destruction both physically and spiritually. The "drug dealers" took over the streets and brought with them violence in the form of shootings, stabbing and numerous gang fights. The drug dealers decimated the physical landscape—destroying grass and trees; their weird but meaningful graffatti became a regular sight on the buildings which housed so many families for so long. Mothers began keeping their children indoors more often, out of fear of their children getting caught in a cross fire, violence and foul language. On the other end, there were those mothers who were caught up in the scene, and their children soon showed signs of neglect—lack of supervision, unfed, improperly clothed, the sound of babies wailing—a mournful cry—the loss of their parents to this beckoning devil cocaine. This same neighborhood lost its own to the highway killer and cocaine—drugs appears to have played a significant part in the missing women's disappearances.

People are now afraid to go outdoors or to leave their homes for any period of time. One never knows what they will find upon returning—a break-in, or 10 young

men hanging outside your door, threatening, intimidating, causing fear in the simple act of leaving or entering your home.

Attempts were made by some to fight the onslaught and for a while we seemed to be making progress. But it's a cancer, that keeps creeping back again and it's a war that makes one wonder at times, can we ever win this war against drugs?

Cocaine causes every hurtful thing we can imagine. I sometimes wonder if the only way we can deal with it is to either legalize it or set the death penalty as the punishment for anyone caught dealing, using or possessing. Neither extreme is the answer. Perhaps the answer falls somewhere between the two. But what we are doing now, is not effective.

Despite the multiple arrests we read about everyday in the local "Standard-Times" newspaper, drug use continues openly. There are many neighborhoods in the city of New Bedford where one can go, day or night and witness drug usage or sale. Drug dealers have taken over entire neighborhoods.

I recently became involved in property management and in the first building I managed, there lived a cocaine and heroin dealer. The drug traffic was obvious. I was able to evict this individual, but I have recently taken over the management of another building and I find the same drug dealer living there. But this time, there are also 6 of his friends residing in the same building, and of course, the drug dealing is obvious. In another good and decent neighborhood, this cancer has gained a foothold. And, of course, this is not unique, it is happening in every good and decent neighborhood across this country.

The profit from cocaine is unbelievable. As long as this remains a fact, the decimation we are witnessing in every city and town across America, will continue. Money and power are the gods of greedy and callous men and women. I think that the taking of property, boats, cars, planes, homes, every item of value should be confiscated. In my personal experience, I learned that the drug dealer I evicted, purchased a piece of real property, despite the fact he never works, at least not at any type of legitimate job. And, this is one individual case.

The deadly effects of cocaine are being felt everywhere. I don't think the government is capable of fighting this onslaught. Perhaps the only answer is to legalize or at least, decriminalize, which will take the profit out of it. The government can tax it and use the proceeds to provide treatment centers to anyone who wants help, and to use in education to prevent people from using drugs. If we begin with antidrug, alcohol and cigarette usage education in kindergarten, we can, prevent the spread of the abusive usage of cocaine and other such substances. The government cannot legislate morality. It cannot stop a person from smoking a cigarette, a joint, or having a drink. Prohibition proved this. Early education is the answer. The most difficult problem of all to solve, is the main one—what causes people to feel the need or desire to escape reality? We have some answers to that—poverty, homelessness, the destruction of the family. There are many problems within our society today and many people are simply unable to cope.

My testimony may not have provided any new answers, but I appreciate the opportunity to be able to submit this for the record.

Respectfully,

JEANNE M. CHADWICK,
New Bedford, MA.

Mr. VIVEIROS. Thank you, Senator.

I would like to publicly thank all those who have been involved and continue to be involved. It is very important that their commitment stays as strong and as effective as it has been.

In many cases, they have not received the credit they deserve, and that is most unfortunate.

I would also like to recognize the accomplishments of the Fall River Police Department, which is composed of dedicated men and women who risk their lives every day to bring the pushers and the users to justice.

Because of their daily battle, their daily pressure on the sellers and buyers, drug arrests have more than doubled over the past 3 years. I am proud that despite the cut in local aid, we are increasing the size of the department's drug unit. I plan to continue working with Police Chief Ronald Andrade to ensure the department always has what it needs to do the job.

I will continue my testimony by briefly mentioning some other Fall River initiatives. The city has applied for funding under the Governor's Reclaim Our Communities Program, which involves targeting neighborhoods in a concentrated crackdown effort. Through the cooperation of greater Fall River community leaders and health and human services professionals, a proposal has been developed for funding from the Robert Wood Johnson Foundation.

Greater Fall River is eligible to receive as much as $3.2 million from the foundation for development of a long-range, strategic plan to reduce substance abuse.

And the city is implementing a drug free workplace policy, and the police department has a policy known as zero tolerance.

I might add that I strongly support District Attorney Ronald Pina's recent petition for legislation that allows the seizing of illegal profits and the returning of those funds to communities. In my opinion, this would kick the criminal where it really hurts, in the wallet.

To quote Mr. Pina, "It is time not only to take the criminals off the street, but to wipe them out financially and put the money to good use: fighting drug pushers, car thieves, and house breaks."

I have briefly discussed two points in the war on drugs: No. 1, education and enforcement. There is, at least, a third one: treatment. Treatment programs have been described as field hospitals in the war on drugs. The Stanley Street Treatment and Resource Center in Fall River has a 2-month waiting period for outpatients substance abuse counseling; and No. 2, a 2- to 6-week wait for its substance abuse detox program.

Other local drug programs have waiting lists of varying lengths.

Although a month or two may not seem terribly long, when you consider the destruction those awaiting treatment can cause to themselves, their families, and their neighborhoods, you will appreciate the importance of expediting care.

But treatment is not cheap. At Stanley Street, it costs over $2,000 per patient for a 21-day detox program. And according to the center's executive director, Nancy Paull, the same program can cost as high as $8,000 per patient at other treatment facilities.

Obviously, prevention is the key from a human and financial perspective. But the role and importance of treatment programs must be better recognized and appreciated.

What steps can the Federal Government take in the war on drugs? The U.S. Conference of Mayors has a host of suggestions, including using Federal resources to increase prison space. Certainly, the Kerry Drug Intelligence Assistance Act is a step in the right direction, and I congratulate you, Senator, on that initiative. And, of course, more Federal funds for treatment would be of great help.

Although the task is great, I am optimistic because it appears the American people have finally decided to make fighting drugs a top priority. And I have a great deal of confidence in our ability to tackle any problem once we set our mind to it. I believe we have, and I think together we can successfully fight the greed, teach the young, and treat the casualties.

Thank you. [Applause.]

[The prepared statement of Mayor Viveiros follows:]

STATEMENT OF CARLTON M. VIVEIROS, MAYOR, MA

Thank you, Senator Kerry, for inviting me to this hearing. I commend you on the leadership you have shown on drug issues.

I appreciate this opportunity to discuss public enemy number one: drug abuse, and Fall River's response.

I'll begin by quoting from a recent news report: "WE DECLARE TOTAL WAR ON THE GOVERNMENT . . . ON JOURNALISTS WHO HAVE ATTACKED AND ABUSED US, ON JUDGES WHO HAVE SOLD OUT TO THE GOVERNMENT . . . AND ALL WHO HAVE ATTACKED US."

Those are not the words of a fanatic religious group. Those are the words of drug terrorists in Colombia.

But they are just as zealous in paying homage to their god—which, of course, is money.

Yes, a good part of what we're talking about today is the result of greed.

It's greed that's feeding the flames of violence in Colombia and throughout the world.

It's greed that's destroying young lives.

It's greed that's causing senior citizens throughout the nation to fear a simple stroll down the street.

In Fall River, in 1985, a cross section of the community banded together to fight the greed.

Students joined police officers, educators joined journalists, parents joined health professionals, and others in the private sector got involved.

Together they make up the city's substance abuse prevention committee.

As a result of their work, substance abuse courses are taught from kindergarten through high school. There are crisis intervention teams. Key people on the front lines—teachers, administrators, principals and coaches—have been trained in prevention. And with the assistance of the police department and the District Attorney's office, a more comprehensive substance abuse policy was developed for the schools.

And I've only scratched the surface of their accomplishments.

if I may be permitted, I'll enter into the record that committee's report on their activities, which goes into much greater detail.

I'd like to publicly thank all those who have been involved, and continue to be involved, in this important effort. Time does not permit mentioning the various people, the businesses and the groups, but I want them to know that their commitment and accomplishments are appreciated.

They have not received the accolades they deserve, and this is most unfortunate.

I'd also like to recognize the accomplishments of the Fall River Policy Department, which is composed of dedicated men and women who risk their lives everyday to bring in the pushers and the users.

Because of their daily battle, their daily pressure on the sellers and the buyers, drug arrests have more than doubled over the past 3 years.

I am proud that despite the cut in local aid, we are increasing the size of the department's drug unit. I plan to continue working with the Police Chief Ronald Andrade to ensure the department always has what it needs to do its job.

I'll continue my testimony by briefly mentioning some other Fall River initiatives:

——The city has applied for funding under the state's "RECLAIM OUR COMMUNITIES" program, which involved targeting neighborhoods in a concentrated crackdown effort.

——Through the cooperation of greater Fall River community leaders and health and human services professionals, a proposal has been developed for funding from the Robert Wood Johnson Foundation. Greater Fall River is eligible to receive as much as $3.2 million from the foundation for development of a long range strategic plan to reduce substance abuse.

——And the city is implementing a drug free workplace policy, and the police department has a policy knows as "zero tolerance."

I might add that I strongly support District Attorney Ronald Pina's recent petition for legislation that allows seizing of illegal profits and the returning of those funds to communities. In my opinion this would kick the criminal where it really hurts: the wallet.

To quote Mr. Pina: " It's time to not only take the criminals off the street, but to wipe them out financially, and put the money to good use fighting drug pushers, car thieves and house breaks."

I've briefly discussed two fronts in the war on drugs, education and enforcement. There's at least a third one: treatment.

Treatment programs have been described as "field hospitals in the war on drugs."

The Stanley Treatment and Resources Center in Fall River has a 2 month waiting period for outpatient substance abuse counseling, and a 2 to 6 week wait for its substance abuse detox program. Other local drug programs have waiting lists of varying lengths.

Although a month or two may not seem terribly long, when you consider the destruction those awaiting treatment can cause to themselves, their families and their neighborhoods, you appreciate the importance of expediting care.

But treatment isn't cheap. At Stanley Street it costs over $2,000 per patient for the 21 day detox program. And according to the center's executive director, Nancy Paull, the same program can cost as high as $8,000 per patient at other treatment facilities.

Obviously, prevention is the key, from a human and financial perspective. But the role and importance of treatment programs must be better recognized and appreciated.

What steps can the Federal Government take on the war on drugs?

The U.S. Conference of Mayors has a host of suggests, including using federal resources to increase prison space.

Certainly, the Kerry Drug Intelligence Assistance Act is a step in the right direction, and I congratulate you, Senator, on that initiative.

And, of course, more federal funds for treatment would be of great help.

Although the task is great, I am optimistic because it appears the American people have finally decided to make fighting drugs a top priority. And I have great confidence in our ability to tackle any problem once we set our mind to it.

I believe we have. And I think together we can more successfully fight the greed, teach the young and treat the casualties.

Thank you.

Senator KERRY. I would like to thank each of for a very compelling and articulate testimony that, in no uncertain terms, brings home the impact on your communities. Let me ask you, to open the questioning if I may, a series of questions. I would like to ask each of you, if you were the drug czar and the President together, and you had the capacity right now to sit there and say this is going to have an impact and I can make a difference by doing A, B, C, and D, what are the most important things that we should go back to Washington and say this has got to happen or you do not have a drug war, you are not going to have an impact, you are not going to improve the situation that each of you have talked about?

Mayor Bullard.

Mr. BULLARD. Well, there are a number. Certainly, I do not see, as I mentioned, any excuse for a waiting list for treatment. Treatment works.

Senator KERRY. What if the cost of that is $10 billion?

Mayor Bullard. Are we fighting a war on drugs or not? I mean, do we want to win this war or not? We are spending $300 billion—$200 to $300 billion on savings and loans. Are we saying we want to win a war on drugs or not?

If we want to treat people, then we have got to treat them. What is the cost of not treating people? What is the cost of that person who is on a waiting list, who has to feed that addiction? What is that person doing today?

There is a cost to society that we do not measure, but it is real nevertheless. I do not think it makes economic or human sense to have a waiting list. Even if you zeroed out the waiting list by increasing the number of slots, we have not begun to talk about outreach or recruitment.

So, I think that is one thing. You can have a list 100 items long of things that we know work, but the other one I would quickly mention is you clearly have to have more prison space. Right now,

our police, as Mayor Viveiros and Mayor Paolino have said, go out and do a very good job. We make the arrests. But then what happens?

If it is a nonviolent crime, oftentimes it gets delayed in the court system. People are back out on bail. Everyone in the neighborhood knows that. They see it; they get one clear message: crime pays.

And we have a jail that Sheriff Nelson runs very well. It was designed to meet New Bedford's needs in 1830. I mean, it is ludicrous. And we are trying to build with State funds a prison in Dartmouth, which will be full the day it opens.

Those are two things that would have immediate impact, but they take dollars. And if we are going to wage a war by spending $1 or $2 billion, then we are trying to work on the margins and we are not going for all-out victory.

Senator KERRY. Mayor Paolino.

Mr. PAOLINO. Senator, I would look at five areas: No. 1, increase local police departments; it is critical. We need more people on the streets to fight this problem.

No. 2, we need more prison space, as Mayor Bullard and Mayor Viveiros stated earlier. If we are going to arrest them, we need to put them someplace. And the boot camp-style prisons that have been talked about, I think would work, but we need to have space to put it.

Right now, our police are going out and arresting the same people over and over again. They are getting discouraged because they arresting the same people. And they are saying, "Cannot we have a place at the end to put them?"

No. 3, I really believe that we have to have a summit. It is something that the President should be doing. It should be as important as the economic summit that he had not too long ago.

No. 4, we must stop drugs from coming into this country. As Mayor Koch of New York would say: "If the Russians were invading our country, we would be able to stop it." Well, what we are facing is Pearl Harbor every single day, with the way the drugs are threatening our communities.

No. 5, I also feel very strongly that we must treat people who need treatment. We have to help these people that are hooked on this terrible poison. And we must try to find a cure and to give them treatment.

Senator KERRY. Mayor Viveiros.

Mr. VIVEIROS. Senator, it is quite obvious there is an appetite, there is an insatiable appetite out there for drugs. And until we seriously, effectively, and professionally deal with that problem, then all these other initiatives that we take can have minimal impact.

I believe that we have to stop the drugs from coming into this country. I believe that we have to give our police department and police personnel all the tools and support systems they need to effectively do the job in the streets.

But I also believe that education and prevention is absolutely essential. I also believe that we have to seriously deal with the elimination of the insatiable appetite that exists for drugs. And until we do that, we are not going to be effective in dealing effectively in this thing we call the war on drugs.

Senator KERRY. What do you say to those who point out that, in terms of stopping drugs coming into this country, that the United States is now the largest grower of marijuana; that we are not importing marijuana, we grow it right here at home?

Mr. BULLARD. Well, I would say marijuana is not our problem in New Bedford; cocaine and heroin are. And that is brought in by foreigners. And it is a foreign drug, which, as you point out, you ought to be able to stop.

And as Mayor Koch has said, once it is on the streets, there is very little we can do about it. And it is very difficult for the city of New Bedford, of Providence or Fall River to go out and interdict it. That is national security. That is the job of a Federal Government.

Mr. VIVEIROS. In Fall River, Senator, just to tell you, coke is a problem, and it is one that we are dealing as effectively as any community in dealing with it. But also heroin is even a bigger problem as it relates to documented deaths in recent times in our community.

Mr. PAOLINO. I agree with that. There is violence going on in the streets. And that violence stems from cocaine and crack. And that is exactly what is happening. If there is a murder, if there is a rape, if your car is stolen, if the car radio is stolen, or if your house is broken into, those are all drug-related crimes; 90 percent of the crimes in the city of Providence are drug related.

Just recently, I stated that murders went up 10 percent; they were all drug-related murders in the city of Providence. That is why crime went up, because of drugs. So, whatever crime you look at in Providence or in any other community related to drugs, it is either the pusher or it is the user.

Senator KERRY. Let me say that a year and a half ago, our committee held hearings in Washington, and one of the people who testified on this subject was Gen. Paul Gorman, who was the Commander of the Southern Forces based in Panama. And, at that time, under oath, before the committee, General Gorman said the following, and I quote him.

"The greatest threat to U.S. security today is not communism, but it is narcotics." And he said: "At that time, that these guys know no distinction to ideology or anything else. They will link up with terrorists, they will link up with anybody in order to accomplish their goals."

So, I agree with you. The problem, frankly, is not the growing of marijuana in this country; it is now crack more than anything, a derivative a cocaine, and cocaine and heroin. But the ethic has to be changed, and the only way you do that is through—yes, Mayor Paolino.

Mr. PAOLINO. Senator, I was just going to mention. You just had the head of Customs, Von Raab, that just retired or resigned or left office. And from the news accounts that I saw, he left with a few tough statements. And those statements were that this country was not serious about fighting to keep drugs out of coming into America. I mean, the head of Customs saying that, saying that we could do more and we have not been doing it and we have not been serious about it.

And when you see cocaine selling 5 or 8 years ago selling for $60,000 a kilo, then it goes down to about $18,000; well, it is the old supply-and-demand theory that I learned back in college.

Mr. BULLARD. Let me say that, even in New Bedford, we can see that foreign policy and defense policy is 10 years behind the time. We are spending $300 billion a year on defense. In New Bedford, 2 weeks ago, we were playing soccer with the Russian national team. That is how threatened we feel by the Russians; we play soccer with them.

Every day we are invaded by foreigners from the south. And yet we are still spending about $300 billion a year to fight off a perceived threat from the Soviet Union and China. That was appropriate 10 or 20 years ago, but today that is not where the threat is. The threat is from drug merchants in South America and Central America. And yet our spending patterns do not show that at all.

Mr. PAOLINO. This is a war that this Nation wants to be involved in. How is that? Our people want to fight this war and they want to win it. It is not a war back in the 1960's with Vietnam, when people thought it was bad. People know this is bad and they want to win it and they want to end it. And they want to get involved.

Mr. VIVEIROS. Senator, as both of you know, the local communities throughout this country of ours, and certainly in southeastern Massachusetts, have been doing everything they possibly can, whether it is the local law enforcement officials or the prevention programs. But sometimes and most times, we feel alone. We feel we are involved in an exercise in futility, because no matter how hard we apply ourselves, no matter what kind of commitment we make, it seems as though the Federal Government is not there as an equal partner in providing us with the resources and with the assistance that we need to maximize our ability to deal with this cancer.

Senator KERRY. Senator Pell, do you have any questions?

The CHAIRMAN. As I see it, the problem is both interdiction and education, and the question is where the main emphasis should be. When you are dealing with the hard drugs, the difficulty of keeping them out is obviously immense. The estimate I have heard on the part of the officials in Washington is that we will never be able to keep out much more than 20 percent of the flow, because of the smallness of the size.

By the same token, from the viewpoint of education, we are not doing as much as we should. I was curious where each of you felt the emphasis should be, more on interdiction, or more on education?

First, I would ask Mayor Viveiros.

Mr. VIVEIROS. Well, as I said, Senator, in my remarks off the cuff, which was specifically the appetite problem that has to be dealt with. And the appetite problem can only be dealt effectively with education, with prevention programs. And, as Marie Schneider, the chairperson of the substance abuse program so articulately has stated in the past, it is going to take several years as we get those youngsters and we provide them with the foundation and the understanding of the terrible reaction to drug abuse.

And so education, absolutely, Senator, is something that I feel is absolutely essential. But education, without dealing with interdic-

tion, without dealing with enforcement, without dealing with treatment, is not dealing with it comprehensively.

The CHAIRMAN. Thank you.

Mayor Paolino.

Mr. PAOLINO. Senator, immediately: enforcement; long term: education. Like the no smoking campaign that took place; it was 10 or 15 years before it hit the young people of our society. It is a long-term effect. I do not how we are going to educate someone that is making $1,500 to $2,000 a day in cash, not paying any taxes on it, and really just making a pile of money through illegal activity. You are not going to educate that individual that has been involved in this business. We can educate, hopefully, that person's child.

But it is going to be a long process. It is going to take many years. So, you just cannot say is it interdiction or is it education? Yes, education; in 10 to 15 years we will be able to educate the young people of our community, but we have to stop it from coming into our community today, and we have to have tough enforcement today. Because there are wars taking place in all our neighborhoods.

The CHAIRMAN. Thank you.

Mayor Bullard.

Mr. BULLARD. I think the war on drugs rests on a tripod that is education and enforcement, but also treatment. And I urge you not to ignore treatment as a fundamental element of this.

To respond on the role of education, which we practice in New Bedford, I would ask you this question: Do you think people turn to drugs out of ignorance? Do you think they are unaware, when they take drugs, of the consequences? I do not think that is true. I think they know what they are doing. I think they know it is wrong. I think they know it is unhealthy. I think they know the risks.

But I also think they are willing to assume those risks for pleasure, for money. So, while we should practice education, continually, through the school systems, and outside of schools in as many settings as we can, I think right now, more immediate attention has to be placed on both treatment and enforcement. On the international level, enforcement is interdiction. On the urban level, it is police work.

The CHAIRMAN. Thank you.

Thank you very much.

One specific question for Mayor Paolino. You sponsored a symposium at Brown University about a year ago for community leaders to discuss the issue of drugs. Did you feel that that symposium accomplished much? Would it be a good idea to see other symposiums of the same sort across the country?

Mr. PAOLINO. I would like to just explain the circumstances. Attorney General Jim O'Neil and myself were at a neighborhood meeting in the Elmwood neighborhood of the city of Providence a couple of years ago. And he, myself, and we had the police with us, were listening to neighbors reaching out asking us for help because of the problem of drugs in their community.

We suggested together at that time, to the neighbors, what would you think would happen if we got the Governor and the mayor, the attorney general and the U.S. attorney; if we had the speaker of

the house and the majority leader of the senate; if we had the chairmen of all the legislative committees that are involved in this process; if we had the State police, the city police; if we went out and brought together school department officials and social service officials; if we had our prison people there with us, prison officials and DEA; and if we had you as neighborhood people all sitting at a round table talking about the problem? The place erupted in applause. I could not believe it.

They said we would love to see that happen. And we asked some local journalists to help moderate it. And we had a 1-day session at Brown University. And it went well. Many laws that were sponsored by Attorney General O'Neil were passed by the legislature.

But while we were talking, John Moran, the head of the prisons, kept on saying, I hope you are listening to me. If you are going to pass all these laws, you must find a place to put these people. And in 5 years, as I stated, we have made 5,000 drug arrests in the city of Providence, and not one prison cell has been added.

And more arrests have taken place, more mandatory sentencing, and here we are, we are trying to put people in, and then—and this is something that we talked to Bennett about, then the Federal laws are making it possible to take people out of the Federal prisons because of overcrowding. [Applause.]

The CHAIRMAN. Thank you very much.

No further questions.

Senator KERRY. Thank you very much, Mr. Chairman.

A quick comment before we move on to the next panel. I think that government and citizenry have jointly been negligent on the issue of prisons and prison space and construction. And I say government and citizenry, because you get what is referred to commonly as the NIMBY reaction, not in my backyard. And everybody resists, and governments, therefore, resisted building, but obviously, that has got to happen.

We have two very important panels yet to come, so I am going to truncate this panel, and I appreciate enormously your participation, but we do have these other two panels, and we look forward to their testimony.

Thank you very, very much. [Applause.]

I would like to ask Admiral Rybacki and Special Agent George Festa and U.S. Attorney-designate Wayne Budd, if they would come forward, please.

Gentleman, I appreciate enormously your coming. The committee is very grateful to you for the time you have taken. I know you have very busy schedules. We appreciate that this has gone a little longer, and perhaps required more of you than you had anticipated.

So, let me ask each of you, if you could, if you have written testimony, it will be submitted in the record in full. And if you wish to summarize, you may choose to do so. But we certainly do not want to cut off anything that you feel that you have to say that would be helpful to us.

Admiral, would you lead off. And then I would like to ask the U.S. attorney-designate, and then Special Agent Festa.

STATEMENT OF ADM. RICHARD RYBACKI, COMMANDER, FIRST COAST GUARD DISTRICT

Admiral RYBACKI. Good morning Mr. Chairman, Senator Kerry. I am Rear Adm. Richard Rybacki, commander of the First Coast Guard District. And as the District Commander, I am responsible for all Coast Guard operations from the Maine-Canadian border to Toms River, NJ. I also command operations on navigable waters within the New England States.

Drug interdiction is a priority mission of the Coast Guard due to our unique authority and capability within the maritime region. The ravages that illegal drug use inflicts upon our people, the crime it generates, and the loss of productivity it engenders, dictates the highest priority attention from every citizen.

Trafficking of illegal drugs presents a threat to national security, breeds other illegal activities, and can potentially undermine the Government at every level. Therefore, throughout the Coast Guard, we are committed to combating this national scourge.

In the First Coast Guard District, our law enforcement approach to drug interdiction differs from the tactics employed in the Caribbean and the Southeastern United States, because our maritime threat differs. The last major drug mother ship seizure in the Northeast occurred more than 3 years ago. Since then, maritime smugglers have been forced to change their tactics because of the Coast Guard's forward deployment strategy, which has been very successful against marijuana smuggling from South America and the Caribbean.

Criminals also have shifted to the smuggling of cocaine, a less bulky commodity, which is easily concealable aboard both large and small vessels, and which can be quickly and effectively transported by aircraft.

For the most part, gone are the days, when our ships can detect the smell of marijuana when downwind from a drug-smuggling vessel. Smugglers prefer to transport cocaine, or will take smaller loads of marijuana and hide them in secret compartments.

Intercepting these drug loads requires more sophistication than previously employed in our random boarding processes. The keys to countering these new smuggling tactics are effective intelligence, and interagency cooperation.

In New England, interagency cooperation is good, and it is improving. The Bristol County Task Force, here in New Bedford, shows the Nation what could be accomplished when law enforcement works together. We also work well with the Cape Cod Task Force.

And Senator Kerry, you and I have both attended meetings of the newly established Boston Criminal Justice Summit. And that has fostered interagency success against drugs and gang activity.

But interagency cooperation transcends the task force concept. Monthly, the special agents in charge of Federal law enforcement organizations in New England, meet to discuss items of mutual concern, and these meetings build a cooperation that is needed. Bimonthly, I meet with the regional commissioner of Customs in Boston, and the assistant regional commissioner of Customs from New York, at a maritime interdiction planning meeting. At these

meetings, we explore and coordinate new initiatives to combat drug trafficking.

All these interagency efforts form a solid foundation upon which to promote effective enforcement of drug laws. During the short few months the U.S. Attorney of Massachusetts has been in place, we have had the opportunity to explore ways to improve our relationship to work against drug smuggling.

I will admit to being a hawk with respect to the need for strong enforcement of drug laws. I feel that drugs are the single most destructive element to the fabric of our society. Over the long term, I believe the vast majority of criminals who import or distribute drugs within our society will be caught and lose their ill-gained wealth.

I am not naive, however. As each individual is caught, another individual will be waiting to take his place. And this will continue as long as an element of our society continues to demand and abuse drugs. While we cannot give up or reduce the deterrent of effective law enforcement, we also cannot win the war against drugs unless we eliminate the demand.

There are over 10,000 permitted fishing vessels home ported within the First Coast Guard District, and approximately 1 million pleasure boats. Within the last year, under the zero tolerance program, we have seized boats whose masters or operators have been in possession of marijuana, cocaine, psychedelic mushrooms, or heroin.

As a sailor who has based his career on a strong sense of duty to safeguarding lives and property at sea, I find drug use, and for that matter, excessive use of alcohol aboard vessels, irresponsible.

Any sailor knows a placid sea can change and become dangerous in a very short period of time. Impaired sailors magnify the dangers of the sea to both themselves and others. Eventually, these impaired individuals will create a pollution incident, search and rescue situation for the Coast Guard, or some other incident requiring our people to risk their lives to provide assistance. Consequently, I have directed a strong law enforcement boarding program in the district to provide an ounce of prevention to unsafe situations before we need to use a pound of cure.

The boarding program is multifaceted, alert to detect any and all types of illegal activity, while simultaneously educating the boating public to be more safe and more aware.

Mr. Chairman, we are a small service which has always taken pride in its ability to provide the taxpayer the maximum return for a dollar invested. Any organization can always use more people, money and equipment to do the job, and the Coast Guard is no exception. As a Federal agency, however, we recognize the difficult budgeting problem our Nation faces, and we have a responsibility to do our part in holding down the cost of the Government.

I feel we run an effective law enforcement program in the district and can sustain our efforts over the coming year, if we receive the funding requested in the President's budget, recently submitted to Congress.

Thank you for allowing me to testify today.

Senator KERRY. Thank you very much, Admiral.

U.S. Attorney Wayne Budd.

STATEMENT OF WAYNE BUDD, U.S. ATTORNEY

Mr. BUDD. Thank you very much, and good morning, Senator Pell, Senator Kerry.

I would like to take a few moments this morning and talk about drug trafficking in Massachusetts. I think it is well known that the U.S. attorney's office prosecutes a large number of drug cases, involving a variety of illegal drugs and the illegal diversion of legal drugs. Among these drugs, cocaine, heroin, and marijuana, in that order, are the Commonwealth's most serious drug problems.

First let us talk about cocaine. Cocaine is the most widely trafficked narcotic substance in Massachusetts, is easily obtained in virtually all parts of our State. But the fall in price in recent years, as you noted recently, Senator, when you addressed the Senate on this topic not too long ago, there has been a fall in the price in recent years, and entry into the cocaine business has become far less difficult, and independent organizations seem to spring up with some regularity.

Nonetheless, investigations to date suggest, that a large portion of the cocaine is controlled by a relatively few groups. Colombian nationals still oversee much of the cocaine that is distributed in Massachusetts. The cocaine generally is imported from Colombia, into south Florida or New York, and is then transported by land or air, usually into the greater Boston area, Worcester or Springfield. Central Falls, RI, and Lowell, MA, have also served as bases for cocaine distribution organizations.

Dominican nationals represent the second largest organized group of cocaine traffickers in the State. Lawrence has been the center of highly organized groups of Dominican distributors. Many of these Dominicans appear to obtain their cocaine from Colombians in the New York City area, often from Queens, then transport the cocaine by automobile to the greater Boston or to the greater Lawrence area. Dominicans are also active suppliers of cocaine in Roxbury, Dorchester, and Mattapan, which, as you know, Senators, are sections of the city of Boston.

A number of Jamaican posses have been operating in the Roxbury-Dorchester area of Boston, displaying all the usual features of posse criminal activity nationwide. A focus on street-level retailing in the inner city and the use of violence to establish territorial rights and to enforce silence.

Street-level retailing of cocaine is prevalent in Roxbury and Dorchester. Often, small groups set up shop in particular housing projects. Cocaine is sold in small quantities, let us say, $50 or $60 bags in project hallways. The dealers frequently protect their stash with guns, employing women and children to serve as runners and as lookouts.

Other cocaine traffickers that have been prosecuted by my office, include Israeli nationals, Sicilians, and street gangs from New York.

As to heroin, heroin distribution continues to plague the inner-city communities of Boston, Springfield, Worcester, Lowell, Lawrence, Lynn, Fall River, and New Bedford.

Estimates by the Drug Enforcement Administration suggest an addict population of approximately 11,000 in the greater Boston

area alone. Our office's two most extensive heroin prosecutions in the last 4 years have involved groups from blacks from New York and the Carolinas. These dealers transported their heroin into Boston by automobile.

But as I say, Senators, these dealers transported their heroin into Boston by automobile, and that is how it generally comes in. The next largest organized groups of heroin traffickers in the State appear to be the Chinese and other Southeast Asians trafficking organizations, many of whom are based in Boston's Chinatown neighborhood. For decades, Chinese heroin has been imported directly into Boston from the Orient, sometimes by way of the west coast.

Heroin from Lebanon also continues to flow into our State. The heroin is most often flown into Boston at Logan Airport in pound, in kilogram quantities, then diluted and prepared for street-level sales.

Let us next review the issue of marijuana. At present, marijuana smuggling by sea, as the Admiral points out, seems to have come to a virtual standstill in Massachusetts. Progress in this area has been made as a result of interdiction efforts carried out by the Coast Guard, U.S. Customs Service and others. Instead, marijuana is now smuggled into Massachusetts by truck and by automobile. Moreover, western Massachusetts continues to be a fertile source for marijuana cultivation.

Changing demand, law enforcement efforts in the considerably greater profitability of cocaine smuggling appear to have curbed marijuana smuggling efforts. Nonetheless, widespread illegal use of marijuana continues throughout the State.

I would like to take a moment to talk about the seriousness of the drug trafficking problem. I suppose it is very difficult to capture entirely or overstate the devastating effects of illegal drug use on the people of Massachusetts. The toll must be measured in terms of drug-induced violence, drug-induced property crime, lost jobs and wages, broken families, shattered lives and overall diminished quality of life. The dollar cost alone of illicit drug use is well into the millions of dollars per year, if not billions. Public corruption, particularly the corruption of law enforcement is just beginning to emerge as a critical problem for the State, as the recent indictments of two Lawrence police officers, a Salem police officer, and Federal drug agent all graphically show. I should add that, with regard to the two Lawrence police officers, they have been pleaded guilty as had the Salem police officer. The Federal drug agent, of course, that indictment was recently returned last week.

Cocaine and cocaine-related violence continue to grow in the inner-city communities of Boston. While crack and cocaine has not taken hold to the same degree as in New York and Los Angeles, crack has appeared in Boston and has gained in popularity. As wholesale cocaine prices in Boston continue to fall from about $45,000 per kilogram to $18,000 per kilogram in the last 4 years, entry into the illicit drug business becomes easier for more people.

The last year has witnessed the largest cocaine seizure, that was 500 millograms in the Methuen, MA, area, and the largest cocaine seizure, that was 180 pounds of heroin that was seized in Boston, constitute the largest seizures in the history of the New England States.

These seizures reflect well on the Federal antidrug effort in Massachusetts. However, at the same time they suggest that the future may see our Commonwealth plagued with ever greater quantities of both cocaine and heroin.

I thank you, for allowing me to present this statement, Senators.

Senator KERRY. Thank you very much, Mr. U.S. Attorney.

Special Agent George Festa, who is here representing Agent John Coleman, who was unable to be with us. And we welcome your testimony on his behalf.

STATEMENT OF GEORGE FESTA, SPECIAL AGENT, DRUG ENFORCEMENT ADMINISTRATION

Mr. FESTA. Good morning, Senator Pell, Senator Kerry.

I am pleased to appear before you today to discuss how the New England division of the Drug Enforcement Administration is responding to the drug problem in Massachusetts.

The Drug Enforcement Administration is responding to the effects of drugs in Massachusetts through traditional law enforcement methods and several cooperative programs with other Federal, State, and local authorities.

The first of these cooperative programs is the State and local task forces. At present, we are participating in the Western Massachusetts Task Force and the Cape Cod Task Force. These task forces consist of DEA and other Federal agents, as well as Massachusetts State police officers and local police officers.

The benefits of these task forces are derived from the cooperative efforts of the participating agencies, as well as the ability to prosecute the cases in Federal courts as well as local courts.

Funding for these task forces is from DEA and the participating district attorneys. As you are aware, Senator, we are in a process of starting a Boston task force. Signed agreements have been received from the MDC and Brookline police departments. Upon receipt of the signed agreements from the Boston Police Department and Massachusetts State Police, we will be able to colocate all the participating officers in DEA space and begin investigations in the city of Boston.

A second cooperative effort is the DEA State and local training program. During fiscal years 1988 and 1989, DEA instructors conducted over 12 State and local schools in Massachusetts. These courses, which were attended by over 500 State and local officers were in the subject areas of drug identification, conspiracy, asset removal, and basic drug investigations.

The DEA training office has scheduled 12 schools for fiscal year 1990. This program schedules two schools for each of the New England States. One school is a 2-week basic narcotics investigator school, and the second is a specialized school in either asset seizure investigations or conspiracy investigations.

These schools are in addition to the State and local training courses available at the DEA Academy in Quantico, VA.

A third cooperative, and a very lucrative, program is the DEA asset seizure program. The New England division has just formed the five-member asset removal team. This team, in cooperation

with U.S. Attorney Wayne Budd's office is targeting the assets of major narcotic violators.

Last year, the New England division of DEA seized over $52 million in assets. Massachusetts accounted for over $20 million of that amount. The good news is that the majority of these funds were shared with State and local law enforcement agencies.

For the coming fiscal year, we are planning training sessions for State and local law enforcement agencies and asset seizure and investigations. This program is in addition to our regularly scheduled State and local training programs.

These three programs illustrate the many benefits available when law enforcement agencies cooperate. We are very fortunate in having a fine cooperative spirit among the law enforcement agencies in New England.

Thank you.

Senator KERRY. Gentlemen, thank you, each of you.

I going to try and limit the questions here because there are, as I say, there are two more panels and one particularly that, I think there are a number of questions we want to get to.

But I would like to ask the Admiral, if I can. Your job, principally, in the enforcement side is interdiction. Senator Pell asked previously about the balance that ought to exist in terms of interdiction.

I would like you to assume that you are sitting at the Cabinet table in the White House, and President Pell has just asked you, Admiral, what do you need—30 years deserve that, do you not think?

He has asked you, what do you need to do the job. What would your answer be?

Admiral RYBACKI. Well, one of the points that I think needs to made is that interdiction remains one part of the solution. We have read recent reports that say that interdiction has failed to win the drug war. But I think we have heard the mayors talk about interdiction, and I think I would like to reinforce that concept, that interdiction is just a part of the overall drug war.

And we have worked for a number of years to put interdiction resources into place, and now is no time to stop.

For example, radar is the key to detecting small planes. We have been building a radar network; it is not completed. It is like putting cows out into a pasture where you only have a partially completed fence. They are going to find the hole in the fence, just like the drug smugglers are finding the hole in the radar network.

We have AWACS airplanes that are up. We are building balloons, and we are completing the network, both for interdiction and for communications. And I think that has to be done, has to be completed. At the same time, we need the resources to continue with the intelligence work. I am not convinced that marijuana is not coming in by sea in New England.

We have not made any seizures recently, but I do not think that is to say that the marijuana is not coming in in some of the containers coming into our ports, or that it is not coming in by some our fishing vessels along this gigantic coastline of New England.

As I mentioned earlier, there are 10,000 permitted fishing vessels, and there are over 1 million recreational vessels. And the tactics today seem to be to break the quantities down into smaller

amounts, and there are certainly several hundred thousand boats that go from the Caribbean to the New England waters every year.

So, all of those things have to be included in whatever tactics are going to be used, and they must be considered when we develop the overall strategy.

Senator KERRY. Let me ask the question this way. There is a—I am sure you would admit that there are some limits to the capacity to interdict. Are there not?

Admiral RYBACKI. It is difficult to measure the results that you are getting from interdiction, because certainly there is a deterrent effect that takes place. And I think the numbers that have been used recently show that we have a limited capacity or capability to interdict.

Yes, sir.

Senator KERRY. Whatever the fine balance is, and I agree with you, incidentally. I am very supportive of interdiction. I do not think it should be eliminated. I think it there is a level that is part of the mosaic of the fabric of what you need overall.

The question is, Do you need more than you have today to be at that level where you are sort of maximizing what interdiction can do, or are you there now?

Admiral RYBACKI. I do not think we are there now. As I mentioned earlier, I think we need to complete some of the efforts that have been started. We need to complete the radar installations. We need to complete the interceptor radars that we are putting on our fixed-wing aircraft. And certainly, we could always use more.

To answer your question specifically, we certainly are not at the optimal level.

Senator KERRY. Let me give you an example. I am a private pilot, and generally speaking, before you get in an aircraft and take off, you check your noticed airmen, you have got your weather, you know pretty much what frequencies, so forth. And any pilot worth his salt who is going to fly across the Caribbean and come up the coast, is going to have a pretty good sense of what the requirements of flying are.

Why is it that we could not create corridors that regulate that traffic that comes up there and create a stronger system, therefore, managing the flow of traffic, so that literally, that any aircraft that does not fly in the appropriate corridor, going from point A to point B, is deemed to be subject for being forced to land. And aircraft that do not land, when appropriate, we have the rights to take down. Why can we not get tougher with respect to that kind of management?

Admiral RYBACKI. Well, I think the country has to be in a receptive mode, in order to be able to achieve that kind of control. And we could say the same thing about vessels or waterborne traffic.

Senator KERRY. But do you not think that we are getting to the crisis point, where if you are going to "have a war" and you are going to manage this, that that is the kind of thing we have got to be talking about?

Admiral RYBACKI. Yes, sir. I personally feel that way.

Senator KERRY. Attorney Budd, do you want to comment on that?

Would that be helpful in terms of—from your perspective of interdiction or is that something that you would not want to comment on at this time?

Mr. BUDD. Well, I had not thought of the idea before; I had not heard it before. But I think it is a worthy idea, Senator. It is worthy of further exploration. I think you are right on this point that we are at a critical time. We are in crisis. We are at war. And I think drastic steps ought to be taken.

While some may view this as—your thought, in that regard, as a drastic step, I think it is, quite frankly, it is worthy of exploration, certainly.

Senator KERRY. Let me ask you, Attorney Budd, from your perspective, and there are many laws that you have to apply in this now.

Is the forfeiture aspect adequate? Are you able, for instance, to deal with auto dealers and boat dealers, who I understand are now dealing with the less than $10,000 in order to avoid the Federal reporting.

Do you have adequate laws in the books to be able to prosecute that?

Mr. BUDD. Senator, if you were to put the same question to me as you did the Admiral, with regard to what would my wish list be, and, of course, giving due regard to the fact that next week the President will release his drug strategy and his approach for the—the Nation will follow—what the Nation should follow, I would like to see us, not only beefed up on the prosecuting end of the business, but clearly on the asset forfeiture side. Because I do believe the laws are adequate.

I speaking for my own district, the Commonwealth of Massachusetts, I would like to have more assistant U.S. attorneys to assist me with asset forfeitures. The laws are there. The laws are sound. They have been upheld by the highest court in the land. And I believe they can have a true impact on the reason why traffickers are in business; profit.

But there is another piece, too, that was mentioned, I believe by one of the mayors, as I heard part of the testimony.

In the demand reduction side, as you know, Senators, we have a law under the 1988 drug bill, that provides for civil penalties for users. I think that is a law that I am currently investigating to apply in our district, for a lot of these people who are using marijuana, they are using cocaine, and there are civil penalties, up to $10,000 that are attached for such usage. And I think that can go a long way in a demand reduction, particularly with middle-class yuppy types who use this as a recreational activity and think nonetheless about it.

And I would like to use those civil penalties, if I had the resources, to go after this kind of person as well. Demand reduction, in my view, together with prosecution, must—they must run hand in hand.

Senator KERRY. From the DEA perspective, I know, I have talked to a lot of DEA officers who are plenty frustrated. I wonder what your wish list would be. And I know you are not in a position necessarily to write it, but maybe you would share with us a couple of those thoughts.

Mr. FESTA. Well, we do need additional personnel, as most agencies do. But along with the personnel, we would need prosecutors, chemists to work in our laboratories, clerical personnel, support people. But I think if I had one wish, it would be for more jail space.

Last year we arrested over 24,000 individuals involved in the drug traffic. And if we were to double in size, and we were double the number of arrests, we would not have any place to put them. The Congress has given us some very effective tools. We just need the space now to put them away.

Senator KERRY. Senator Pell.

The CHAIRMAN. Thank you, Senator Kerry. I would focus if I may, on the Coast Guard because of my affection for it and interest in it. I must say when you are told on a budgetary level you will receive less funds, and your missions are enlarged to include drug interdiction, as well as the normal search and rescue and fishery patrols, you face an almost impossible task.

That is one of the reasons why I would like to see the Coast Guard taken out from the present budget function, and why I proposed legislation making it an independent agency. But in any case, you have, with the material that you presently have, you are doing the best you can.

I was curious why when one of the big blank spaces now is Cuba, and we are cooperating with them in search and rescue operations, the two Coast Guards, why it is that we do not take the Cubans up on their offer to go after drug interdiction, shoot down planes, if they do not identify themselves. I think their seriousness is shown by the fact that they executed a few people, including a very popular general, as evidence of their seriousness, a lot more than we have done in our war on drugs so far.

And in view of that, I also think that the same equipment that they use to evade our own embargo could have been used in reverse in sending drugs into our country, why we have not gone after the Cubans a little more and cooperated with them in drug control.

Admiral RYBACKI. Senator, as you know, the Cuban territory is outside of the first Coast Guard district jurisdiction, and not an area of my responsibility, so I would probably rather not comment on that, for that reason and the fact that there is an ongoing project with the State Department in dealing with Cuba on that particular issue, plus several other issues, so I probably should not comment any further on that.

The CHAIRMAN. I think you are probably correct then; forgive me for bringing it up, because I realize it is out of your jurisdiction, but it is an idea, I think, that should be discussed a bit more.

In connection with the zero tolerance of finding drugs on a vessel that you have inspected, and then the forfeiture of that vessel. Is that being enforced tightly at this time?

Because my recollection is that it is in the law books, but the outcry was so great that the Coast Guard had to back off a little bit. But am I correct in saying that if you inspect a vessel now and you find a smidgen of drugs on it, that that vessel will be forfeited?

Admiral RYBACKI. Zero tolerance is the policy of the Coast Guard, and that policy is being enforced. There have been some

modifications that have been made to the zero tolerance policy from the onset of it. But it is basically a policy which has been developed to make the user responsible. And that is what zero tolerance is.

In such cases as fishing vessel owners being penalized, perhaps somewhat arbitrarily, that has been changed. So, there is a process that we go through where, if an operator is found to have drugs on board, that is not necessarily taken to mean an immediate confiscation of that particular vessel.

But zero tolerance is a policy that is being enforced in the first Coast Guard district at this time.

The CHAIRMAN. But if it is zero tolerance, then how can you not forfeit the boat?

Admiral RYBACKI. Well, it will not necessarily be forfeited on the spot. But there will be followup action to a summons. The individuals will be issued a summons, and then the process will be followed up.

The CHAIRMAN. I believe that the Coast Guard has a policy of drug testing of your personnel. I was just curious if in the recent year or two—recent couple of years, have the number of positive results gone up or gone down?

Admiral RYBACKI. Drug testing has been a very successful program for the Coast Guard. We have been doing drug testing for approximately 8 years now. And we have had a dramatic drop off. Testing was somewhere in the neighborhood of 10 to 12 percent when it was first started and, in recent years, has dropped significantly to the neighborhood of approximately 2 percent.

The CHAIRMAN. That's a tremendous drop, almost six times as much. Thank you.

One final observation or question is, Why should people seek to bring in marijuana if, as was pointed out earlier in this hearing, they are growing it in western Massachusetts?

Admiral RYBACKI. That is probably part of the reason we are not seeing the kind of shipments that we were seeing 3 to 5 years ago. But just several weeks ago, of course, there were a large number of bales that washed up on the shores of Beverly, MA. And we have had a number of incidents such as that over the years—over the past year, so we know someone is bringing marijuana in, or transporting it over the water in bales. So, it is not something that has disappeared from the system.

The CHAIRMAN. Well, thank you. I for one think that the Coast Guard is doing a grand job and wish you well.

No further questions.

Admiral RYBACKI. Thank you very much, Senator.

Senator KERRY. Thank you very much, Mr. Chairman.

Attorney Budd, are you finding that the structure for the exchange of information and the monitoring of trafficking is adequate?

Mr. BUDD. Thus far, and you know, Senator, I have only been on this job about 4½ months, but to my knowledge, and the exposure that I have had, I do find it to be adequate.

Senator KERRY. With respect to the question of money laundering, it is something that this committee has paid some attention to.

And, in fact, we passed a legislation last year, and are seeking to enhance that now.

To what degree do you have information about money laundering structures here in Massachusetts, and any linkage of those structures to offshore banks or to other countries?

Mr. BUDD. Senator, we currently have certain organizations under investigation at the present time. And I would respectively decline to go into that. But it is a matter that is being looked at very, very carefully.

Senator KERRY. The key question, I am not trying to be specific about the institutions, but are you finding that, indeed, there are Massachusetts institutions that have the ability to say no. Or to be more discerning in their transactions with money, that had been casual, and that it its own way adds to the problem?

Mr. BUDD. Well, you know, Senator, a couple years back our office prosecuted two of the major banks in Boston. And that sent a very loud and clear signal to the banking community. That notwithstanding, it does appear that money laundering does go on. And there do appear to be connections with the banking community on foreign soil.

Senator KERRY. Well, I appreciate your saying that and your candor on it. I think, personally, that it is a critical issue, in terms of corporate and public responsibility. And I have learned over the course of our investigation in the last couple of years of an extraordinary avarice, that it is not just yuppies in BMW's and other things running around smoking pot and enjoying this. We have got bank presidents and people running around in striped shirts and suspenders who have a hell of a lot of assets who are knowingly dealing with people that you could not reasonably otherwise, but draw the conclusion the cash came from criminal transactions.

And unless we get a larger sense of responsibility from those types of folks we are in big trouble. So, I hope that the message will go out of here and further from the efforts of your office about that, because I just think that—I mean, that is an extraordinary addition to this.

Panama deals in dollars. United States dollars are the currency of Panama. And yet the Federal Government, the Federal Reserve has never cut off the transactions and their ability to transact in dollars. I am still asking why, if we are serious about doing something in Panama. So, that is a sideline, but I think that there are host of efforts that could be made to curb the ability of people to take the dollars that are the profits and deal with it.

I take it you would agree. And hopefully we will be moving in that direction.

Mr. BUDD. Senator, I can assure you that we have such matters under investigation at the present time. And I do fully agree with you with regard to such activities as they take place in this Commonwealth.

Senator KERRY. To what degree are motorcycle gangs and youth gangs involved in narcotics trafficking?

Mr. BUDD. We are currently prosecuting people who hold themselves out to be members of motorcycle gangs, and they seem to be dealing a fair amount in certain drugs and narcotics. The speed products seem to be big with the motorcycle groups.

Senator KERRY. Now, as we go back, and begin the debate—this is my last question to this panel before we move to the next one—but as we go back and begin the debate that will be framed by the President on September 5, and that will be obviously of great importance to all of us, what is most important in your mind in terms of the legislative response?

Is it money? Is it authorization for more personnel? Is it a new kind of law enforcement assistance administration that provides money for creative prosecutors to ask for programs? What are the key things that you think we need to hold at forefront?

Mr. BUDD. Well, I feel that I am at a bit of a disadvantage, Senator, only inasmuch as I do not know what the President plans to set forth as our drug strategy. But it is very easy for me to say, from my perspective, more prosecutors are very helpful.

And as I pointed out as well, assistance to assist me in my civil bureau, to go after the asset forfeiture areas that I think are so important. To send the message to the traffickers, not only will you be prosecuted but those assets that you have acquired that if they can be tied back to the trafficking, those are going to be forfeited. And worse than that, they are going to be turned around and used in further law enforcement activities against you and your kind.

Senator KERRY. May I ask each of you another question. It is sort of a personal one in a way, but it may get to that. I would like to have you on record for it.

If American servicemen were required, by request of Colombia or some other country, to go into harm's way, either flying a helicopter or in some other fashion, as a means of augmenting our capacity to fight the war on drugs, would you support that effort?

Mr. BUDD. That one, Senator, is truly beyond my purview. I just simply could not have a response to you that would be meaningful. I do not have an idea as to the application of military forces in this area.

Senator KERRY. Supposing it was to fly a helicopter to take Colombian troops and to assist them in their ability to take out a processing plant.

Do you think we ought to do that?

Mr. BUDD. I really do not know, Senator, quite frankly.

Admiral RYBACKI. Well, Senator, you know what my response to that question is. If the Commander in Chief were to order the Coast Guard to do that mission, that of course is what we would do.

Senator KERRY. I understand that. But I am asking you whether you think we ought to undertake that?

Admiral RYBACKI. I do not think I would like to answer that question at this particular time. I think there are a number of factors that come into play here. And we, as you well know, the Coast Guard has been involved in the Caribbean for a number of years in various things that I just as soon not discuss at this time.

And I certainly have supported the Coast Guard's role and the actions that it has taken over the years.

Senator KERRY. Well, I am going to come back to that question afterward, and I will have my own response to it. But I can understand your position particularly, Admiral, but I respect your desire not to comment on that at this time.

Let me thank the members of this panel. We will leave the record open in the event that we want to ask for any additional questions to be submitted in writing, should there be some more detailed or factual answers that we would like to ask.

I really want to thank you for your time. We are very appreciative of your coming down. And, Admiral, we appreciate the job that you and your men have been doing. And I know that Senator Pell is particularly appreciative of Captain Williams' efforts of what the Coast Guard did on that clean up.

The CHAIRMAN. Absolutely spectacular.

Senator KERRY. Thank you, gentlemen.

If we could have Attorney General Shannon, here is my list here? We have got John O'Neil, Rhode Island Attorney General, Ron Pina, and Sheriff David Nelson.

Gentlemen, I am particularly appreciative to you for waiting. I know that you have waited a considerable amount of time to testify. I know there is nothing worse than sitting and listening to testimony that you have heard before, and that you are integrally involved in waiting your turn. So, I really want to thank you for taking the time, and for being patient.

I also happen to believe that your testimony is among the most important testimony that we are going to hear today, because really there is no group of people more in the center of this effort than each of you are. You are the prosecutors, you are the guys who are really carrying the brunt of this effort, in every single respect.

And so I think, what you can share with us today, is going to be particularly important. And we look forward to hearing it.

And I hope that my colleague, Attorney General Shannon, will permit me to allow our guest from the State of Rhode Island to go first, and then I would like to turn to the Attorney General of Massachusetts and the District Attorney.

Attorney General Jim O'Neil, we welcome you. I know you have testified in Washington. You have been helpful on this and we are particularly appreciative, you have taken time to be here today.

STATEMENT OF JAMES O'NEIL, ATTORNEY GENERAL, STATE OF RHODE ISLAND

Mr. O'NEIL. Thank you very much, Senator Kerry, and thank you, Senator Pell, for being kind enough to convene this hearing. I also wish to commend the mayor of New Bedford for hosting this session.

By way of background, if I might, Senator Kerry, I would like to advise you that I first began my career in addressing the war on drugs in 1972 when I was a young attorney with the Law Enforcement Assistance Administration, and went on to be an assistant U.S. attorney in Massachusetts, and then in Rhode Island. And then, some 3 years ago, became the Attorney General for the State of Rhode Island.

And I think as all parties have earlier testified, clearly, there is no simple solution to what we all recognize is a very complex problem.

I have some formal comments that were incorporated into a press release. I let those stand as a matter of record.

I would like to share some of the informal thoughts that I have with you.

Senator KERRY. Without objection, your full statement will be made part of the record, and we welcome your observations.

Mr. O'NEIL. Thank you, sir. Clearly we need the multidiscipline approach to the problem. We all recognize that it is treatment, it is prosecution and it is education that are essential to winning the war on drugs. And we practice what we preach in Rhode Island.

I have been in 70 schools in the past 2 years. We have a very formidable education program, as well as an enforcement program. We formed a statewide narcotics strike force.

But I am not here to amplify what our accomplishments or attempts have been, but what our problems are. So, I do not mean to cast a negative light on the hearing, but I think that you need to be well informed so that you can forward the good initiatives that you have begun.

First and foremost, I think what we need in the United States of America these days, and as you well point out, is we need a national resolve to win. That was present in World War II; it was not present in Vietnam. We labored for years and years in Vietnam, as we have these years in fighting the proverbial war on drugs. What we need to do is adopt a mentality amongst citizenry that is analogous to that, which we had in World War II, where people actually crushed tin cans to aid the war effort.

But beyond that, we have to send a message out loud and clear to the consumers, the consumers of narcotics, that every time that they ingest a line of cocaine, they are buying a bullet for an assassin in Colombia. And that is a very simple, but very loud and clear message which we need to amplify throughout the United States of America.

We also need to demonstrate to the people of the United States the negative economic drain upon our Nation. That every time someone purchases that proverbial one-sixteenth of that eight ball, that $100 does not stay in the United States of America; it goes to South America.

Now, you, Senator Kerry, in your wisdom, and, Senator Pell, you have begun to give us the resources that we need in the State and local level. By your efforts, Senator Kerry, in formalizing the Drug Assistance Act, have probably recognized the most glaring need that we in the State and local level have.

Also, I cannot have helped but listen to your comments when you question the prior panel, concerning, do we need a new Law Enforcement and Assistance Administration, probably one of the most productive facets that we have ever really modeled in our Government.

We need those resources because we need new thinkers in the business. We operate within a criminal justice system that is essentially bankrupt; we operate on shoe-string budgets. I have a statewide narcotic strike force. We have clear thinkers, new thinkers, but we do not have the resources that allow you to really gain that leadership that is necessary.

We work with Ron Pina, in the D.A.'s office here. We try to coordinate as best we can. But as you know in your experiences when you were young assistant district attorney in Middlesex County, LEAA gave you that meat and potatoes to tell people you could not only do the job, but you could help others do the job.

So, if you have success with your Drug Assistance Act, I would say that we have taken a giant step forward. Also, I am not going to dodge a question that you earlier put to the prior panel. Troops into Colombia? Tomorrow.

We have to win. We cannot tolerate it. [Applause.]

Why do I say this? I say this because in the State of Rhode Island, during the first and second years of my administration, we had a 57-percent increase in our caseload. I think, as you well know, in Rhode Island, we are the only game in town; there are no district attorneys. Now, that 57-percent increase in caseload, gives us 10,000 felony cases: adults, about 6,400; juveniles, about another 4,000.

We have 24,000 Americans dying annually as a result of being murdered. That has to stop. We have 2,400 people in adult correctional institutions in the State of Rhode Island. That correctional authority has grown at a greater rate than any other correctional authority in the United States of America. And I do not sit here smugly as a prosecutor and say to you, "Senator, I have put them there." That is not—it may be an accomplishment, but it is a negative.

Now, last, I would like to leave you with this message. That we have young people committing adult crimes. Now, if the young commit adult crimes, they have to pay with adult time. And that is a far cry from where I began when I formed the Office of Juvenile Justice with LEAA in 1973. But right now, we have young people who are truly committing adult crimes. And I do not mean, when I allude to the fact that they have to do adult time, that we are going to treat the youngster who has legitimate needs, in the same fashion as we treat an adult.

But when we have individuals, such as the group who arrived in Rhode Island about 1 year ago, who are known as the Five Percentors, and whose sole mission was to take over the narcotics traffic in the State of Rhode Island, in particular in Providence, we have got to deal with those people as adults. And if I may beg your indulgence, I would like to point out to you, Senator, what was in the possession of Russell Yates, age 17, who we were fortunate enough to have waived from the family court, the juvenile court, to our adult superior court, only because Mr. Yates had a prior record in the Commonwealth of Massachusetts. Other than that, I would have been totally frustrated in that effort.

Russell Yates and others were the subject of a SWAT team operation conducted by the Providence Police Department and the Rhode Island State Police. I happen to have accompanied the Rhode Island State Police on that raid. I might add, I stood behind the largest trooper I could find, but nevertheless, when they kicked in that door, and used a stun grenade to enter, and these men did an incredibly superb job, Mr. Yates had under his pillow a MAC-10, just a tool of death; that is all it is. He had speed clips.

Perhaps it would be wise if I incorporated some of these photographs into the record. That might enable you and you are welcome to use them, Senator, in your mission in Washington. But we have a MAC–10 here. That is what Mr. Yates, age 17, had underneath his pillow. A far cry from a rosary that some young law abiding good people have when they go to bed in the evening.

These are some of the other weapons that we had.

Senator KERRY. Can you hold that up so we can see that?

Mr. O'NEIL. What you see here are speed clips. Those are clips that you put into the ordinary handgun, the revolver, that allow you to just blast away at almost a rapid fire. Sawed-off shotguns, protective vests——

Senator KERRY. Are you finding increases in the type of weaponry and the capacity of weaponry that younger people are having more than ever before?

Mr. O'NEIL. Absolutely. We have drive-by shootings taking place. We are in a war zone. We always talk about ourselves being the frontline foot soldiers, but that is true today. That is exactly what is taking place. And it is a sad commentary, but the homicide rate is up in the city of Providence today.

We are a distribution point; I think you should know that. Because more often than not, you will see that the New York cities and the major metropolitan areas will gain the attention of the Congress, because of various reasons.

But Providence is unique because we have an exit off of I–95. We have a heavy Dominican and Colombian population, and I say that in all respect to the good law-abiding citizens from the Dominican Republic and from Colombia. But that population has provided really the essential foothold that is necessary for the Dominicans, Colombians who are driving cocaine and heroin from New York.

As you well know, in New York, with respect to heroin, it is a Chinese, La Cosa Nostra, Dominican connection. That connection then transports heroin down the highway. Providence—great stop. They unload there, then they distribute to other smaller cities throughout the New England area. Same is true with cocaine, driven in extensively.

We have a State police authority who has had some good luck on the highway, but it really only a trickle of water with respect to the avalanche of the problem as it exists today.

I would be happy to entertain questions when you see fit, sir.

[The material referred to follows:]

O'NEIL SAYS WAR ON DRUGS IS REAL WAR IN THE STREETS

PROVIDENCE.—Attorney General James E. O'Neil told a Senate subcommittee today that the war on drugs has become a war in the streets of Rhode Island.

Testifying in New Bedford before the Senate Subcommittee on Narcotics, Terrorism and International Operations, O'Neil noted that, because of its location, Providence is a natural distribution point for heroin and cocaine marketed in southern New England.

"Providence is right on I-95 and a natural stopping off point for drug runners carrying Asian heroin and South American cocaine from New York," O'Neil said. "The Rhode Island State Police have made several drug arrests after routine traffic stops along I-95, in which defendants have been found to be carrying thousands of packets of heroin or multikilograms of cocaine enroute from New York to Providence. One can surmise that the drugs would then be sold, not only in the Provi-

dence area, but throughout southern and central New England. Clearly the problem is a multijurisdictional, interstate problem."

O'Neil noted that the war on drugs in the streets of Rhode Island is a dangerous war both for law enforcement and private citizens. "Drive-by shootings have occurred in turf wars among drug dealers. A year ago, through excellent detective work on the part of a young state police officer, we managed to head off what could have been a major drug war in the streets of Providence when an advance group of a gang from Boston was arrested in simultaneous raids at a downtown hotel and in a housing project. Police recovered a formidable cache of weapons, which demonstrated to us that this gang came to Providence to terrorize local drug dealers and police officers alike in an attempt to take over the local drug trade."

O'Neil said that, to combat drug dealers, law enforcement and prosecutors must cross municipal and state lines, much as drug dealers themselves do. "In 1987, I organized the Attorney General's Statewide Narcotics Strike Force, which coordinates the efforts of state and local police departments so that we share intelligence and pool operational resources. As I say in Rhode Island, Woonsocket's drug problem is Westerly's and Bristol's problem is Burrilville's."

"We must take the same approach on an interstate level," O'Neil said. "District Attorney Pina and I have cooperated on several investigations concerning drug operations that crossed our mutual borders. Every city, county, and state must take the same approach, for we must fight this war together."

O'Neil said he hopes that a major component of President Bush's program to be announced next month is a massive infusion of federal resources to help state and local enforcement and prosecution. "I have been successful in Rhode Island in garnering available federal assistance, including a $400,000 Department of Justice Grant to finance a Statewide Narcotics Prosecution program," he said. "But more is needed. The criminal justice system is bankrupt, struggling under a skyrocketing caseload, which is attributable in large part to narcotics. I say to you today, Senator Pell and Senator Kerry, that the war on drugs, while it is an international war, as the headlines of recent weeks tell us, this war on drugs is a war that is being fought on our streets everyday and its victims are our police officers and the innocent citizens who are afraid to walk the streets of our cities of the violence of drugs."

Senator KERRY. Thank you very much. I am delighted to welcome my friend and the Attorney General of the Commonwealth of Massachusetts, Jim Shannon.

STATEMENT OF JAMES SHANNON, ATTORNEY GENERAL, COMMONWEALTH OF MASSACHUSETTS

Mr. SHANNON. Thank you, Senator. I want to thank you both for calling this important hearing. The leadership which each of you provides is greatly appreciated throughout Massachusetts, as is your presence here this morning.

Today, I want to lay out some of the aspects of narcotics trafficking that we see in Massachusetts, and then offer a few suggestions for your consideration, as you work to fashion an effective national strategy.

Roughly 25 months ago, I created a narcotics division in the attorney general's office. Sydney Hanlon, who heads that division is with me this morning. Back then, there were those who warned us, that there was no area of human endeavor more turf conscious than law enforcement. They said that we were going to confront a lot of friction from other offices and jurisdictions if we began making cases. But it just did not happen. We really have not had any of those problems.

Regrettably, the reason that we have not had those problems is that there is more than enough business to go around for all of us.

We all know that the drug problem in Massachusetts is widespread. In fact, there is no pat description that fits today's drug traffickers. Our cases have shown that a drug trafficker might be a

27-year-old man who owns a real estate company and has a portfolio worth over $1.5 million; a dealer who set up his drug business one block away from a high school; a 70-year-old man who has his son and his grandson help him smuggle drugs into Massachusetts; a mother who deals wholesale from her house and keeps the cocaine in the refrigerator right next to the eggs and the milk; or an illegal alien from Colombia. And these are all people living in Massachusetts communities who we have brought in on drug charges.

I suspect that in Massachusetts the trends that we see in drug trafficking are similar to what is found elsewhere. In Massachusetts, the trafficking is not limited to one or two major cities. Our unit alone, with only 25 investigators, has executed arrests in 22 cities and towns, in addition to Boston. No community is untouched by this scourge.

In Massachusetts, the drug of choice remains cocaine. Over 80 percent of our drug arrests have resulted in charges of cocaine trafficking. In Massachusetts, the price of cocaine continues to drop. An ounce of cocaine in Boston today bought wholesale costs as little as $700, only one-third what it cost 2 years ago. Price is down, and availability is up.

And then there is crack. A few years ago it was the hope of many law enforcement officials in this State that we could avoid a crack explosion here in Massachusetts. Unfortunately, the State lab now receives over 100 crack samples a month, triple what it confiscated a year ago.

Finally, and I am sure I speak for every police department and drug unit across the State when I say this, we have seen the police facing increasing levels of drug-related violence. Now, as attorney general, I have got two priorities, aggressive enforcement and strengthening our State's drug statutes and our resources. Beyond our own cases, we work to promote cooperative investigations and multijurisdictional enforcement. And we have had tremendous cooperation from the DEA, the FBI, Customs, INS, and the Coast Guard, as well as from General O'Neil and many of the local police departments in Rhode Island, and of course from our own district attorneys.

This hearing is focused on the Federal role. The first thing that I want to say, is that I do not believe that it is appropriate or useful for State and local officials merely to criticize the Federal Government. All of us need to be doing more. There are bills that I have been pushing over the last 2 years in the Massachusetts Legislature that would give law enforcement more resources and toughen our State's outdated drug laws.

Still, this is a national problem. And we need a strong national policy, if we hope to be at all effective. I therefore would like to offer two points for your consideration, points that I hope will be part of the plan that President Bush will announce next week.

First, the United States must adopt a serious and unprecedented offensive against the foreign sources of narcotics. For cocaine that means coca leaf producers in Bolivia and Peru, and the cocaine processors in Colombia. I strongly support the measures which were taken by President Bush last week to bolster Colombia's battle with the drug cartels. But we must do more, much more, Senators.

And, Senator Kerry, in a response to your question about the use of military resources to deal with this problem, I want to say, I support wholeheartedly the use of Armed Forces of the United States to try to stop foreign drugs from coming into this country.

We had just this week the President of Colombia going on television pleading with us to stop using drugs so that his country would not be taken over by the drug dealers. We can either pussyfoot around this question, or we can face the fact that the same people in Colombia who assassinate their presidential candidates are killing our police officers and killing our kids on the streets of the Commonwealth of Massachusetts.

And if we accept that, which I think we have to, then we damn well better do something about it. And the Armed Forces is the only way that we can seriously do that.

Recently published reports estimate combined drug profits in Colombia, Bolivia, and Peru, at $4.5 to $6.5 billion. That is more than half the value of total legal exports for those countries. We cannot expect to effect a measurable change in that region's drug production unless we make the region itself a foreign policy priority, and unless we increase and sustain our efforts there.

So, our policy must do more than just address this problem through the use of military resources. I think it is wholly appropriate, that it is the Senate Foreign Relations Committee that is conducting these hearings today, because our policy must provide expanded resources to support drug interdiction, especially by the Colombian Government. But it has also got to provide the kind of economic incentives, including credits and other aid, that can help stabilize the economies of these countries, and help move their farmers away from coca leaves and on to coffee and other crops.

This kind of economic assistance will require major new U.S. expenditures. But when compared to the $20 billion annually that Americans now spend of cocaine, and the price we pay in deaths, and broken families, and ravaged communities, I think it is a price we must be willing to pay.

Now, my second point concerns the local criminal justice system. As you work to develop a Federal response to local needs, I strongly believe that priority must be given to those who are out on the front lines of this war. That means before we fund any studies or plans or Ph.D.'s to tell us we have a problem, let us instead bolster the troops. That means more investigators, and more overtime for police. It means better surveillance equipment. It means more money for undercover buys. It means beefing up the prison systems.

The dirty little secret of criminal justice system, when it comes to drug interdiction, is that all of us sitting at this table know of drug dealers who should be prosecuted, who are out there selling drugs as we speak here now. And we do not have the resources to go after them. That is obscene, but that is the fact. And it is the fact not only in Massachusetts and Rhode Island, but I think it is a fact all across the United States of America. We have to make sure that the resources are ultimately directed to the local level and that they are delivered promptly, and that they do not get stuck in the pipeline somewhere between Washington and New Bedford or Providence.

I know that time today is short, but I want you to know that my staff and I are ready and willing to assist your committee in making sure that the national policy assists the domestic fight where it counts most; and that is, of course, on the streets.

So, thank you for this opportunity to testify. As you continue your effort to make the real fight against drugs, I want you know that you have the full support of the law enforcement community and the people of the Commonwealth of Massachusetts.

Thank you very much.

Senator KERRY. Thank you very much, General Shannon.

District Attorney Pina.

STATEMENT OF RONALD PINA, DISTRICT ATTORNEY, COMMONWEALTH OF MASSACHUSETTS

Mr. PINA. Senator, thank you very much. Senator Pell, thank you for hosting with Senator Kerry, this hearing here today.

Senator Kerry knows where I am coming from, Senator, in that he was a former assistant district attorney in Middlesex County, and I know that he saw many of the problems that at least I face, and my colleagues as district attorneys have faced in this State over the years.

Right now our figures are such that if we took a look at violent crime in this State, and I speak not only for myself but the rest of the district attorneys in this State, 72 percent of our violent crime committed in Massachusetts is drug related. If you add alcohol to that, we are talking 94 percent of our violent crime.

Latest statistics I have seen since 1982 passed the statute in this State looking at child abuse. The vast increase in cases that came in on child abuse that horrified everybody. Recently, another study has come out and points out that 62 percent of all the child abuse cases are somehow drug or alcohol related.

So, that when you are here and you are acting as the district attorney and you are prosecuting cases, and you deal day in and day out with the local police officers, the people who I may say are really fighting a war on drugs, a frustration builds up.

The frustration, and I am not using my notes; I will put those in the record later, to endorse everything has been saying here today. But the frustration is really—the question that the officer has, the same question I would have. And that is, Are people inside the Washington beltway really concerned about the war on drugs? I know Senator Kerry is; I know you are. I know John's background and what he has done.

But the real fear out here, and the real concern is that, when we talk about how much money it would take to fight a war on drugs, when a police officer goes through the door and Attorney General O'Neil shows you photographs of guns—we have an arms room in my office, with weapons I cannot even pronounce. And that is what an officer faces when they go through: automatic weapons face them in the face now, without the real support and backup they feel they need.

They make the arrest; we bring them into court. Right now we have got a situation where the cocaine situation is being run by Colombians, being retailed by Dominicans. Dominicans are arrested,

they go to court, they place bail, they bring it in a brown paper bag, they have so much cash. The judge can name the amount; they have got it. They walk out the door, and they leave. They never come back for trial. They disappear.

We have tried to work with Immigration; we do not have a great working relationship with Immigration to get them into court or find them again. Those are real problems that we have to deal with in terms of coordination with Federal authorities.

We bring in people; we give them immunity to testify against vessels coming into New Bedford harbor with drugs on them. We get them ready to go to trial, they get paid by a cartel, they disappear, they are off to a foreign country. They are in Brazil; they are in Portugal. I deal with the U.S. attorney's office who then deals with the State Department. We try to get that person back. We have no way of getting that person back to this country to require that they testify in our courts. We cannot extradite them.

We know that there are moneys that are being taken from this country and being shipped out to other countries and invested in—I can literally sit here today and tell you of a number of businesses that are being operated in European countries that are being funded from drug moneys that came out of Massachusetts. And give you the address. And we have informants who will tell us that. And yet we cannot reach them. We do not have the ability to reach out. The Federal Government has not been able to help us in that sense.

So, there has to be a sense here from the local people. Is there help out there? Does someone care out there. Or does it stop? When once you arrest somebody and they leave the country, then it is over.

And once they get their money outside the boundaries of this country, it is over. I do not think, you know, that people really feel strongly about the Washington scene. In 1984, we had the Omnibus Crime Act of 1984, and everybody was against drugs that year. And I recall an ad with a Congressman—I think he had a, I think it was a Nike missile next to him, he said if it takes this that is what we will do. I gather he got reelected and there was zero money after the election in 1984.

In 1986, we went through that in the congressional elections again. That was the issue of the year. Now it took a poll to tell them that it is the No. 1 issue on people's minds around the country.

So, that I really do not know how we are going to shake up this system here and get people to understand what is going on. When we can read about B–1 bombers being made through research and development, waste of money, a system we really do not want. And then we ask how much it costs to fight the drug war. I am trying to see where the initiative is coming out of Washington other than from yourselves that would really be honest about fighting this war.

When we talk in terms of dealing with Federal agencies and local agencies, I have to be honest and say that I do not think that there is a great deal of cooperation between Federal, State, and local agencies, in terms of the information flow.

I know that you, Senator, have a piece of legislation in to get more intelligence cooperation throughout our system. But we, too, fail, here, in the United States, aside from outside the boundaries, inside. I know that as a fact, from working in running a drug task force since 1982, that most of the information dealing with crimes and drugs comes from the local offices. It comes from the grassroots up, it is much like politics. You get it from the grassroots up, that is where the information comes from. And that information somehow gets into an office, and then does not get out appropriately to DEA or to the State police.

The State police—there are problems, and I am not picking on anybody, but they are institutions the State agency does not really want to work with the Federal agency. The Federal agency will work with the State agency on a particular case, but there is no great sharing of information.

There is no central location. And I can tell you right now, or the attorney general can tell you, in this State, where we can find out who some of the major drug pushers are in a certain location, we could share that information and get it back out to local offices so that they would know if this group is running a drug operation out of Providence and now feeding the drugs into the Fall River and New Bedford area or other parts of the state.

So, we need that coordination entirely from our agencies and groups. Not to prolong this, but the U.S. attorney's office, a couple of years ago ran a law enforcement coordinating committee, which the purpose of it under Attorney General Meese was to bring everyone together so we could share information. Lunch was terrible, and I want you to know the food was not good.

It was a little better than the meeting though, everybody got to see each other and said hi to each other and met at the Park Plaza in Boston, and we have not seen each other since.

There is no structure, there has to be a system by which we share this information and it has got to be on an organized basis, not on a hit-and-miss, case-by-case basis. And not only when it is good for someone's funding levels to come back out and argue these points.

And so, without prolonging this any further, I just really feel those frustrations. And I really want to point out, in terms of what your committee can do, that if you think about this, it really is in extradition treaties with other countries, where, one, when local law enforcement people know that their money is going out of the country have an ability to go after that money. Greed and profit is the basis of this whole thing.

Our inability to strike at it once it gets beyond certain boundaries is terrible. The ability to see people literally come to court, be arraigned, come with cash and leave the country, or leave the area and then come back in at another time with another passport, a fake passport. We need a system Senator, where there would be a central fingerprint location. Or at least if we could fingerprint everybody who has been committing crimes and has been found guilty.

We would have an opportunity to run that through to see who this person is. Because frankly, Dominicans now come in and tell you that they are Puerto Rican, and that they are American and so

that they do not need a passport. And they are literally now the arm of the Colombians in distributing drugs throughout our communities in a very, to say the least, a very frustrating situation.

So, I would hope that the message, if there is one from here to go back, is that the people outside the beltway have known for a long time that this is the No. 1 one issue out there. It is a quality of life issue, deals with everybody's life and every aspect of their life. And that we need some real serious—to rhetoric—real serious efforts in dollars. Maybe it is reorganizing the forfeiture accounts at the Federal level so that it goes back to an LEAA type of program. It is an organized program.

Right now Federal dollars come to some cities and towns when forfeitures—assets are taken. But it depends on the case. Some people use it wisely; some people go out and buy toys. Other people try to do training. But you cannot hire more lawyers to prosecute; you cannot hire more police officers with that money.

So, a thought could be to at least organize where that money goes through an organized system nationally—maybe it is LEAA again—to provide grants and proposals in how to effectively use that money to go back after the problem.

I just hope that some things are really going to come of this from Congress, and I just get nervous, particularly when I hear now, and I hear, just from the news aspects, that the President is talking about reallocation of resources and not any new moneys. I do not know where that—that to me is impossible. How are we going to have new prisons? How are we going to have more educational programs, which we absolutely need?

So, I do not believe the Defense Department is going to take the cut. They have too many vested interests involved there. Maybe that is our problem, we do not have enough lobbyists on our side to compete with some of the other major aspects in Washington to get the piece of the pie.

But I am open for any questions, and thank you for the opportunity to be here.

[The prepared statement of Mr. Pina was not available at the time of printing.]

Senator KERRY. Thank you very much.

Sheriff David Nelson, who gets to house the people that the other folks here get.

STATEMENT OF DAVID NELSON, SHERIFF, COMMONWEALTH OF MASSACHUSETTS

Mr. NELSON. Senator Kerry and Senator Pell, thank you for this opportunity to be here this morning and to testify. As you all know, I have the unenviable task of housing and accommodating those people on the war on drugs who end up being incarcerated for drug-related offenses, and 90 percent of the inmates that I currently house are in there for drug- and alcohol-related offenses.

What happens in Colombia, or in Bolivia, and Peru in the drug cartels has a direct bearing upon my duties as sheriff. The sheriffs of Massachusetts are faced with a monumental task right now. As a matter of fact, I think it is safe to say that we are probably the MIA's of the war of drugs. And I say that because we do not have

adequate resources and we have been neglected by both county and the State government and the Federal Government in dealing with the inmate populations that we house in treatment programs for them.

Just take a look at the situation here in Bristol County, for example. I operate an institution that was built in 1828, when John Quincy Adams was President of the United States. They built the new wing in 1888, to house a few more prisoners. And that is the latest addition to the house of correction.

We are ready to hold 150 inmates; we had 410 inmates there last week. And I say this, knowing that my officers who are doing a fantastic job on a daily basis, have to face an inmate population that is overwhelming. The midnight shift has four officers on it. Four officers for 400 inmates. That is an—those are staggering odds to face on a daily basis.

This is an institution where cell doors are locked manually. We do not have electronic cell doors. We have two social workers for 400 inmates. We have correctional officers cooking meals. They are not trained in the culinary arts, and they are doing a great job. But they are cooking over 1,000 meals a day, because the one chef that I had, is out on a heart attack, and I cannot replace him.

I have been level funded for 3 to 4 years in a row by the county. I have less officers now on duty than when I became sheriff, 6 years ago. Yet I have 200 more inmates than I had when I first became Sheriff. They are going to build a new jail in Bristol County, and the day we open the new facility, we will be 200 inmates short, the day we open that facility.

Add to this the burden that we have—the medical problems. For example, AIDS, 23 percent of a recent group of inmates who tested positive are in the prison population, 23 percent. This is up from about 10 to 12 percent a year ago.

I am the chairman of the Massachusetts Sheriff's Association Task Force on AIDS; this is repeated throughout the Commonwealth of Massachusetts, it is not just prevalent here in Bristol County. Yet I do not have one infirmary bed for an AIDS patient. If a person has AIDS, he stays in his cell. If it becomes acute, he goes to Shaddock Hospital in Boston. There is a tremendous waiting list at that hospital right now for AIDS patients. What we need is a secure medical facility to house people with AIDS.

And this is something, I think the Federal Government has to become involved with because the State says it has no money. Yet this is a national problem. AIDS is not a Bristol County problem. It is a national, international problem. It is a by-product of the drug culture. The increases we have in the AIDS population because of intravenous drug users mainly, especially in the Hispanic population, who are facing tremendous odds right now in the prison system. We are the back end of the system. And yet the money has gone to the front end of the system.

And an effort has to be made by the Federal Government to address this need. On a regular basis, I turn away U.S. marshals who want to bring their prisoners and drop them off at the Bristol County House of Correction. I tell them, there is no room at the inn; I do not have any room for your prisoners.

There is a great need for Federal space in this particular region, both Rhode Island and Massachusetts. We deal with this on a regular basis. But the sheriffs of Massachusetts feel we are caught in a vice. The county has no money; the State has no money. We are going to open a new facility, I am in Beacon Hill begging for money to get a transition staff to hire people to operate this new facility. My fear now is that we will have a new prison and not be able to open it the day it is done, because of the lag time in getting State funds down to a local level.

I feel we have to address the problem of corrections on a Federal, State, and local level. There has to be a concerted effort. Up to this point, it has been pretty much, let the local communities do what they want to do. And yet, the people who come here for drugs, the drug users and the drug pushers that we get, are going to go back into the community. We do not have treatment programs.

Now we have found here in Bristol County that if you have a treatment program, for example, we opened up one in the former St. Mary's Home, in New Bedford, for alcoholics, if you treat the disease of alcoholism, you can stop the revolving door complex. We had probably a 65-percent recidivism rate at the House of Correction for drunkers. We have dropped that to about 10 to 12 percent because you open a separate facility to deal with the problem of alcoholism.

If we could do the same thing for drug addicts, to have some type of treatment program, maybe facilities that deal especially deal with the problems of narcotics, narcotic abuse, perhaps we could drop the recidivism rate to a sensible level. Other than that we are just kidding ourselves. Because you are going to put them away, Ron Pina and Jim Shannon and Attorney General O'Neil are going to put people away and they are going to be in there for a period of time and then they are going to be back on the streets again, just as bad if not worse than they were when they first came in.

We definitely need a concerted effort to have a solid treatment program in the prison system. Those are my needs. Those are the needs of the sheriffs of Massachusetts. And I say that because this is a subcommittee on the influence of the drug cartels and the international problem of drugs, but it is down here in the local level. I have to deal with the bodies on a day-to-day basis, and we have very definite needs and they have to be addressed on a Federal level.

Thank you.

Senator KERRY. Thank you very much, Sheriff. Chairman Pell, as he indicated earlier has to go to a meeting in Providence, and so I am going to turn to him for the first round of questioning in order to facilitate his departure.

The CHAIRMAN. Thank you very much, indeed, Senator Kerry.

I would point out that we within the Washington Beltway live in what is called the murder capital of America. And within two blocks of my house, we have had two murders within the last 18 months. So,, I think in Washington, we are aware of the problems as well as outside the beltway.

Mr. PINA. Jesse Jackson may solve that one.

The CHAIRMAN. I would like to ask Attorney General O'Neil, you said that you finding more and more automatic weapons in the

hands of Rhode Island drug dealers. Do you favor the proposed ban on these weapons that is currently pending in Congress? I am talking about a total ban on both the U.S. and foreign assault weapons.

Mr. O'NEIL. With respect to the AK-47's and the——

The CHAIRMAN. The so-called assault weapons. The ones that are repeaters.

Mr. O'NEIL. I have testified before our own general assembly with respect to my position on automatic weapons and how they should be regulated, and I certainly do feel there is a need for further regulation. But I also would not want to deceive you into thinking that that would be the panacea of the problem.

It really is not the step which will ultimately resolve the problem.

The CHAIRMAN. What would be your reaction, Mr. Shannon?

Mr. SHANNON. I think we should just get rid of them, Senator, as best we can. And the reason I feel that way is that there is no legitimate sporting reason why those things should be sold in this country.

I agree with Attorney General O'Neil. It is not going to solve our problem, but the fact of the matter is, if you talk to any police officer in Rhode Island and Massachusetts who has been involved in the drug interdiction business for any period of time, they will tell you that the biggest change that they have seen in their professional lives is this switch toward violence on the part of people who were selling drugs.

The whole violence associated with the drug culture which is being aimed at police officers, and these assault weapons are part and parcel of that, and I would get rid of them and ban them if we could, legislatively. And then enforce those laws very aggressively.

The CHAIRMAN. Thank you.

Mr. Pina.

Mr. PINA. Ban them absolutely, Senator. It is—just as the attorney general pointed out one of the things that is happening is that they are becoming armed camps. They are not just waiting for a police officer to come through the door. They are fighting each other, in protecting their drugs or their cocaine. They also are just building little war stations to fight it out.

If we can just stop them some way of getting those in, I do not see any sport value to them.

The CHAIRMAN. In the Senate we were recently asked to vote on a measure that would have provided the money for the war on drugs, with tax on cigarettes and alcohol. I regret to say that that motion failed.

What is your own thought of that as being a possible source for getting the money to do the job that has to be done?

Mr. Shannon.

Mr. SHANNON. While you are asking me drudge up my old experience as member of the house ways and means committee, Senator, I suppose. But I certainly would support that. I think it would be appropriate. I think it would be perhaps the least painful way to try to finance these efforts.

And let us face it. These are going to be expensive efforts. There is going to be some pain inflicted to pay for them, and I think that

a tax on cigarettes and alcohol would perhaps be the most appropriate way to pay for it.

The CHAIRMAN. Thank you very much, Attorney General Shannon.

Mr. Pina.

Mr. PINA. I totally agree. The tax would be appropriate. It is an easy way of doing it. We tried those in Massachusetts. We have become experts in this State on back-door approaches to, taxes and that is more than acceptable as "sin" tax.

But it would seem to me, Senator, that if I am reading the public mood out there in my area, I think people are willing to pay some taxes for certain things.

I do not think they want tax increases, but if you tailor it to a specific purpose, they are willing to do that. And I think fighting the war on drugs, legitimately fighting the war on drugs, really financing it, and all of it effort to do it, they are willing to do that. I think they are willing to fight that kind of a problem, and willing to pay the price, as long as there is no waste going in other areas.

The CHAIRMAN. What about you, Sheriff Nelson?

Mr. NELSON. I think surveys have shown the public is in favor of taxing or whatever means are available to support the war on drugs. And I believe that if you have to support an increase in tax on such luxuries as cigarettes and alcohol, and alcohol abuse is one of the problems that we have so many people in jail, certainly I would favor that approach.

The CHAIRMAN. I think Mr. von Raab favored the stamping of passports of individuals who had been convicted of drug offenses, and that was a proposal that did not get very far. My own view was it was a correct proposal.

Along the same lines, the President may recommend next week that driving licenses be withheld by States from those who are convicted of drug offenses and that the sanction on it would be the withholding of funds for the Federal highway fund.

What would be your reaction on that?

Mr. O'NEIL. Driving licenses? Revoke somebody's license to operate a motor vehicle when they are a drug dealer?

The CHAIRMAN. That is right, exactly.

Mr. O'NEIL. It is not even tinsel on the tree. I mean what is the point. Put them in jail.

The CHAIRMAN. If you do not have the jails?

Mr. O'NEIL. But with all due respect, Senator, that is probably the greatest bit of nonsense I have heard. I cannot believe it. I mean that is—if that is what the administration is going to propose, to revoke somebody's license to drive a motor vehicle when they are a drug dealer?

Senator KERRY. Not a dealer, I think, but user.

The CHAIRMAN. User, user.

Mr. O'NEIL. A user?

Senator KERRY. A user.

Mr. O'NEIL. It does not—I mean if we need a President of the United States that is going to say, I am going to solve the drug problem, by saying that you revoke drivers licenses, and that is really what they are thinking about. I am concerned. [Laughter.]

The CHAIRMAN. It may be one of the proposals. I just do not know.

General Shannon.

Mr. SHANNON. Well, the notion that somebody who is going out and buying illegal cocaine is going to able to be afraid to drive without a license is ridiculous. One aspect about this whole effort to try to come up with the right approach to dealing with drugs is that we can come up with these proposals, which sound so attractive politically, yet which are really specious when it comes to a real effort to solve this problem.

One of the things that I am most appreciative of in both of your efforts is that the fact that you have been willing to point that out. That this is a real problem and calls for real solutions. And some of these bombastic ideas that seem to have such political appeal, really are not going to help our efforts at all.

And I think that the revocation of drivers licenses is something that I would put at the very bottom of things that are going to be helpful to us. And if the time of the U.S. Congress and the administration is taken up debating issues like that, instead of debating what the real solutions to this problem are, then we are all going to be the losers for it.

The CHAIRMAN. Then let us hope this does not come out in the President's proposal.

Mr. O'NEIL. Senator, if I might just give you this thought. I earlier heard you communicate with the Coast Guard on the interdiction policy and programs. And the reason I take the thought on motor vehicle licenses, in the light that I do is because, when I heard the Coast Guard testify and heard your good questions and your respect for the Coast Guard, I think to myself, what do we have going on in the port of Providence, for instance?

Two years ago last, I think it was April or May, we seized 70 kilos of cocaine from a Colombian vessel parked in the port of Providence. Now, that is our No. 1 city, our hot city I guess—70 kilos. And that ship's cargo is cement powder. Now, how can we possibly deal with that problem as it is put onto the streets of our community without having significant Federal intervention, whether that calls for us to ban the importation or ban these ships from our harbors? But I think you can well recognize, if we have a ship whose cargo is concrete powder, how do you differentiate that from cocaine? I mean the problem is just incredible. And it is certainly a problem where the Coast Guard needs additional resources to address. Absolutely no question about it, but I think that that is reality.

I would hope the President would listen to that message.

The CHAIRMAN. Thank you.

Mr. Pina.

Mr. PINA. I agree with my two colleagues, Senator. The only thing I would add is, I could see one advantage and I think our State is starting to do it now, in Massachusetts, in terms of the license approach, and that is with kids.

If a young kid who is 16 years old, 17 or 18, knows that if they are caught in the possession of or in the presence of drugs as a user, then they will not be able to get their license. That may be important to them. We are not going to put them in jail yet. We

are not really going to really fine them. They do not have any money. But that license may be the most important thing in their life right now.

And that I could see as a possibility for the good kids. Certain kids you are never going to reach but the good kids are normal kids who have just been attempted, the possibility of not being able to apply for a license may be that little edge where you keep them on the straight and narrow.

The CHAIRMAN. Thank you, Mr. Nelson.

Mr. NELSON. I think that is the most sensible approach that the young population who with a license means a heck of a lot to them when they are first starting out in high school. If you take that away for some period of time if they get involved in drug use, may cut down the usage. We do it now with possession of alcohol or alcohol-related offenses, and it does have some deterring effects.

So, I would think that the same would apply to the use of narcotics.

The CHAIRMAN. Thank you, gentleman, very much indeed. I again congratulate Senator Kerry on his initiative that is responsible for this whole hearing.

I hope the thoughts we have heard today will permeate our minds and will be translated into our actions in Washington.

Senator KERRY. Senator Pell, thank you very, very much for taking the time. [Pause.]

Gentlemen, I would like to ask a few questions, if I may, and then make a comment or two. We do have an important last panel I would like to remind people that we have a panel of people who really have been victims, one way or another, or have a sense of the victimization of the drug process. And I think that is an important piece of input.

But let me ask, it is interesting. I think one of you made a comment on this panel, that we are really dealing with the criminal justice system that is antiquated and incapable of keeping up. And I wonder if because the whole willingness of younger people to engage in the level of a violence that is unprecedented, that is the kind of thing we thought was reserved for adults and the nature of this beast of cocaine and narcotics, has that now predicated that we need to over haul a whole set of criminal justice approaches to the whole set of laws that apply to narcotics.

For instance, let me give you an example, the frustration expressed by District Attorney Pina about people who come in, they have got a brown bag full of cash, they pay the bail, they are gone. Should the bail law be changed? The RICO statute. Attorney General Shannon, you have been active on that. Do we need a Massachusetts RICO statute that predicates the money laundering or narcotics offense as the predicate offense for its application.

Do we need to have a major rapid overhaul of the tools we have available to now deal with a totally different situation from what those original tools ever contemplated?

Mr. SHANNON. If I might, Senator, I think we absolutely do need to have an overhaul, because the types of criminal activities that we are dealing with today, are very different from when most of our criminal statutes were written, both federally and certainly in the States.

For instance no one anticipated when most of our criminal statutes were written that we would be dealing with such well financed criminal organizations as we deal with today. We cannot put them out of business unless we have better tools, like a racketeering statute.

The forfeiture law, the drug forfeiture law in this State is woefully inadequate as District Attorney Pina knows. The district attorneys and I have been working now for years to try to get that statute changed. There is no controversy to it as far as I see. I have not seen one elected official stand up and say, "You know, we should not have a drug forfeiture statute." The notion of taking away illgotten gains from drug traffickers is one that I think is universally accepted, except among drug traffickers themselves, and yet we are unable to get those statutes revised in the Massachusetts Legislature.

But we need to continue the effort. I think we certainly need to overhaul statutes like that. Having said that, however, I also want to repeat something that has been said so many times before this morning. That unless we make the commitment of resources to the system, at the same time that we are overhauling the system, then all of this is going to be to no avail.

For example, in Massachusetts we have a mandatory sentence for drug traffickers. All we do in the attorney general's office is prosecute traffickers. We have a policy in our office. The policy is that we knock down those charges. They are charged with trafficking. We try them for trafficking, we will not reduce the charges, we want them to get the mandatory 5- or 10-year sentence. No deals, that is the policy, and that is what we have tried to do.

We run into enormous resistance from the court sometimes. The judge is saying you have got to knock the sentence down. We have to dispose of these cases. We have no place to put these people. People say to me, "How can you do this?" The prisoners are sleeping on the floor. You know when it comes to drug traffickers, I would rather see them on the floors than on the streets.

And we are going to maintain that policy. But we also have to address the fact that people like Sheriff Nelson then have to deal with that problem in a very tangible way. And we are not committing the kinds of resources that we should be committing to adequately dealing with it.

Mr. PINA. This is just an idea. Probably the attorney general can answer this better than I can. I heard once that the use of their Federal money over there, they at least attempted to set up a special session where judges—we have such a backlog now, Senator, in terms of drug cases, that aside from the problem——

Senator KERRY. What's your backlog now?

Mr. PINA. I can't even tell you off the top of my head, but it is one of those situations where there are major trafficking cases waiting to go to trial and we do not have judge time.

I would literally get a judge a month here, sometimes two, and you can see when you have got murder cases and then all the drug cases, there is just not enough judge time and what has been suggested in some cases nationally has been to try a program by which judges are financed, maybe federally, to sit purely as superior court judges being paid by Federal dollars for a time period just to hear

drug cases, as we used to have them in the old days for the old misdemeanor sessions or the murder sessions.

Straight sessions where just drug cases are expedited and you go through those things. Even using the old laws, just that the administration of justice is so bogged down—that was a Federal program we had then?

Mr. O'NEIL. Senator, we had a grant whereby one superior court judge's salary is paid by the Bureau of Justice assistance, which is the successor agency to LEAA, and he is earmarked to work narcotics cases.

It's a good thought. I don't have any objection to it, but also we received a $400,000 statewide prosecutor's program grant from BJA. But these are really just—they are just not doing it, is the point I think could succinctly make to you.

I earlier did say I think the criminal justice system is a bankrupt system and I really mean that and I certainly welcome your thought when you think about LEAA and all that and when you reflect back historically where we were some 17 years ago, 15 years ago with that program, there were a lot of people who were stimulated to think about the system.

Yourself for one, I hope myself for another, and now we are sort of out there on an island unto ourselves. We do not need to create a whole institution or bureaucracy to have the LEAA concept, but you do need to feed those minds that are out there.

I think we have got some good leadership potential when you look at our colleagues here, but the problem we have with it is when we try to assert that leadership we really do not have any trappings to go with it and Ron Pina in his candor did comment about coordination, the problems we have with it and that is always a problem unless you have that bait to bring people together.

Right now I have got a meeting taking place in the southern part of Rhode Island. We have got every narcotics officer in the State of Rhode Island meeting with the director of our statewide narcotics program, but when we walk away we really have not given them any great tools. They have gotten together but we do not have the bait that we need, really.

Senator KERRY. Well, let me just say in summary that I could not agree with all of you more.

The reason why I think your panel is so important is that here you have the Attorney General of the Commonwealth of Massachusetts, one of the larger industrial States in our country, the Attorney General of Rhode Island, a sister State and neighbor, the district attorney of one of our counties, who represents I know by experience what is happening in every other county and a sheriff of one of our counties representing one of the prison systems reflective of every other county, and what you guys have said to us today is that the criminal justice system is bankrupt.

Now, if I were operating as a nonelected official but simply as a citizen of this country I would try to find a way to bring suit against the Government for negligence and for a violation of the public trust.

How it is that we are in a position where you are dealing with John Quincy Adams' prison space, when we are supposed to be put-

ting people in jail for commission of offenses against our public citizens, is beyond me. I mean, how can that be?

How can you ask police officers to go out and serve warrants in the dead of night and risk a bullet, as many of them have gotten one, when you do not have any place to put the people that they are going to arrest as a result of it?

The reason Jim O'Neil's comments come home to roost—you know, Jim, you and I began about the same time. I was a student prosecutor in 1973 and became a full-fledged prosecutor in 1976, and I started a drug task force back then for a county that is one of the 10 largest counties in the United States of America.

When I heard the Attorney General of Massachusetts saying a moment ago, we do not have the buy money. We do not have the equipment. We do not have the—we did not have it then. This is not new.

The average citizen ought to be fed up to here with the unwillingness of leaders to lead and to say, "Here is what we need." Here is what we need—do you know what we need?

There is no question in my mind but we need to wage a war, and I am going to listen very carefully to the President on September 5, to see whether or not we are finally, really going to wage a war.

If you are going to wage a war you are going to take Federal property and you are going to put modular prisons in it and you are going to do it tomorrow, and you are going to set up a program where you have got courts dedicated to the immediate prosecution of drug cases.

If you need special drug task forces—Federal, State, and local, you create them and you guarantee, even if you only have special appointments of judges on a temporary basis that there is not a drug case that cannot be prosecuted within a matter of weeks.

You deliver swift and certain punishment and if you have got a $300 billion defense structure in this country you take more than $1 billion of it in order to guarantee that you are going to prevent those drugs from coming into this country.

I do not think this is complicated. It is not complicated. What is complicated is getting the political will and the leadership that is necessary to say to Americans, "Here is what we have got to do to wage a war," and I do not think there is one of you that would not support those real kinds of efforts.

I am fed up with it. I am tired of it. In 1976, we started that effort. It is now 1989 and there are more victims, cheaper drugs, more of it, than ever before in the history of this country and we have got senior citizens who cannot leave a post office and get home, having got their social security check, for fear of being hit over the head.

We have got people at home whose first priority is putting bars on their windows and extra locks. We have got parks and cities which people cannot walk in. This is crazy.

The lifestyle of this country, our freedom, has been more threatened over the last 10 years by changes that have come about as a consequence of crime than anything else and when I hear Sheriff Nelson telling me that 90 percent of the people in his jail are there for drug-related offenses—my God.

If you want to talk about a way to in the long run affect the cost of government, then help get rid of the drug problem today, because you will reduce the need in the long term for those prisons and the courts and the court officers and the social services and all the other things attendant to it.

We have just got to summon the political will and I think your leadership and your efforts and all of that have been very important in helping to create a change in attitude, but we have got some distance to travel. Attorney General O'Neil, I could not agree with you more. I mean, the real measure is going to be September 5.

We have got a drug czar, we have got a new President. We have given them 9 months to pull this program together and understand its implications and I think your testimony today about the bankruptcy of our criminal justice system is so important.

One of the first things—I am sorry to talk on, but I am frustrated about it. One of the first things that we learned in law school, was it not, that the key to deterrence—or, the criminal justice system, is deterrence—a sense that the justice system will do something to you if you commit a crime.

Today, the best role model for kids is a guy with a gold chain around his neck and a fast car and a lot of money standing on the corner, who has no fear of a criminal justice system that not only will not put him away, but cannot put him away.

So, if we do not get serious, in whatever form necessary, to restore the credibility of law, we will wind up with more than 10 percent of the Miami Police Department being fired, as it was, for involvement in narcotics; for more than an alleged crime committed by a DEA officer and for more than these other officers who have been put away, because people are ultimately going to find that is the new economics.

So, I commend each and every one of you for the efforts you have been making. I look forward to working with you, General Shannon, District Attorney Pina, and Sheriff Nelson. We are going to continue to harp on this.

I will close with just one thing before we end this panel. Your worry about Washington. I share that worry about Washington. I took an amendment to the floor of the Senate just before we left for our August break in which I said, I want to take $500 million from Star Wars and put it into drug wars.

The House of Representatives had already voted for a $3.1 billion Star Wars Program. The President had asked for $4.6 billion for the Star Wars Program. Everyone in the Senate and House knew we would wind up close to the House figure—$3.1, $3.5—so we could have taken $500 million plus and put it into the drug war.

When my amendment came to the floor the supporters of Star Wars got so scared about any kind of cut in Star Wars that Sam Nunn came in with an amendment for an across-the-board one-quarter of 1 percent reduction of every single program in Government in order to fully fund the drug war, and it won by a vote of 90 to 7.

So, the Senate has now committed to fully fund the drug war only for fear of cutting Star Wars, and by cutting every other program in Government by one-quarter of 1 percent. Which means

that in order to fully fund the drug war we are going to actually first cut the DEA, the Coast Guard and everybody else by one-quarter of 1 percent and then put it back.

So, in effect, it is not really a fully fund, and it is a fully fund by robbing Peter to pay Paul. That is asinine. So, we have got some hard work ahead of us and I hope that each and every one of you are going to scream and bang on the table and pound your shoe and do whatever is necessary in order to guarantee that the Government is going to turn around and do what it ought to be doing here.

I really want to thank you for underscoring to us today in your testimony the bankruptcy aspect, because I think nothing speaks louder than that with respect to the needs that we face.

I do not know if any of you have a last comment that you want to make?

Mr. O'NEIL. Only to say, Senator, thanks goes to you and Senator Pell for hosting this, because we looked for this forum and any way we can help you further your cause, I know we are available. I am available to do that. I am sure my colleagues are as well.

Senator KERRY. We will be working together, I promise you. I thank you very, very much. [Pause.]

Senator KERRY. I would like to ask Brian Foss and William Askew if they would please come forward as the members of our last panel.

Brian Foss is the director of the drug program at the New Bedford Human Service Center and William Askew is a recovering drug addict and a client at the New Bedford Human Service Center and I want to thank both of you for being here.

I cannot think of two people who address more the needs that have been referred to by almost everybody who has talked about treatment and the importance of our facing up to this.

So, I would like to ask William Askew—if we could have order, please. William Askew, I would like to ask you if you would lead off, please. If you would pull the microphone a little closer to you, that would be appreciated. Thank you.

STATEMENT OF WILLIAM ASKEW, RECOVERING DRUG ADDICT AT THE NEW BEDFORD HUMAN SERVICE CENTER

Mr. ASKEW. Yes, Senator. My name is Bill Askew and I am presently in treatment at the New Bedford facility. I live on Cape Code, and I travel back and forth every day. I have been on it for 6 months and I am doing fine with the help of the program. It got my life together, and I am glad that I met Brian and was able to get in the program. At first, when I came in the program——

Senator KERRY. Let me ask you a question. What kind of drugs were you doing?

Mr. ASKEW. Cocaine and heroin.

Senator KERRY. How long were you doing cocaine and heroin?

Mr. ASKEW. From a period in the early 1970's until just recently—6 months ago.

Senator KERRY. How did you support your habit?

Mr. ASKEW. Various ways. Various ways.

Senator KERRY. Do you want to describe any of them?

Mr. ASKEW. No, not necessarily. Some had to do with reselling drugs. But basically I would like to say that I am here because I know a lot of people out there need help and traveling back and forth from the cape, we need a program down there.

When I first came to the program, had it not been for my girlfriend being pregnant I would have had to wait 4 to 6 weeks to get in the program. By her being pregnant, there is an automatic—you can get right on. So, I got right on.

Senator KERRY. Did that affect you? Do you think that affects people, that they cannot get right into a program?

Mr. ASKEW. Most definitely. If you come to a door and say you need help, you want help then. If you come to the door and they say, come back in 6 weeks, you are not going to come back. You are going to go right back out to do what you were doing before.

Senator KERRY. Maybe lose your life in the meantime.

Mr. ASKEW. Exactly.

Senator KERRY. Or take another life.

Mr. ASKEW. Exactly. Or commit a crime.

Senator KERRY. Was it because your girlfriend got pregnant that you sought treatment, or was there another reason that you finally sought treatment.

Mr. ASKEW. Well, I started off with friends of mine dying and with the birth of my child it helped straighten my life out. I just want to be a good father and get a good job and support my family, basically. With the treatment I have been able to get my head together. Hopefully things will now work out.

There are a lot of support groups out there and some of them have been influential in my recovery, along with a lot of good prayers and family support. But basically, without the program, there is no way.

Senator KERRY. Why did you start doing drugs?

Mr. ASKEW. Would you like to feel good, Senator?

Senator KERRY. Everybody does, I think.

Mr. ASKEW. Well, drugs make you feel good, and sometimes when you are not feeling great you want to feel good so you do drugs, or you drink, or whatever.

Senator KERRY. When you first started doing drugs, did you care that it was a crime? Did you know that it had implications of addiction?

Mr. ASKEW. Did not think of it that way.

Senator KERRY. When did you begin to think of it that way?

Mr. ASKEW. When it became a physical problem.

Senator KERRY. Did you ever think that the cocaine you were buying was going to contribute to the death of somebody somewhere else?

Mr. ASKEW. I never thought of that.

Senator KERRY. Do you think about that now?

Mr. ASKEW. I certainly do. Cocaine is the No. 1 killer in our country. The No. 1 killer is not so much heroin and other drugs, but cocaine is everywhere.

Senator KERRY. Why did you not think about that before?

Mr. ASKEW. I have no idea. I was only concerned—the day at hand, the time at hand.

Senator KERRY. So, Do you think education and education programs do make a difference?

Mr. ASKEW. Definitely. Education, treatment and following treatment, a chance for a person to change their life by seeking employment or studying in a school, or some type of program, but without the treatment a person has nothing to look forward to.

One, a person gets their mind clean and once they start living clean and doing clean things, there has to be something for them to do as far as seeking a job or going to school. That is the American way.

Senator KERRY. Do you think that what is happening in Colombia today has a relationship to what is happening in the streets of New Bedford and Fall River and the rest of Massachusetts?

Mr. ASKEW. Most definitely. I feel that as far as the drug problem, that is all our problem. If the drugs could not get here to our streets, we would not have these problems. So, I think if you stop the drugs from coming into the country and help people who need treatment, everything will be just fine.

Senator KERRY. Now, you had the birth of a son——

Mr. ASKEW. A daughter.

Senator KERRY. To help make you change. From your knowledge of drug addiction and your own use and the friends of yours you have seen use it, can you get to people who do not have some sort of life event like that? Can you get to the average person who is just floating along using the stuff?

Mr. ASKEW. Yes, once a person is aware that they have a problem. A person has to realize that they have a problem and admit to themselves that they have a problem, and then with counseling and treatment they are realizing that life is just not getting high. There are a lot of other things that are beautiful out here, rather than just being on cloud nine and that is exactly what I did.

Once I realized that I did not really need any substances and I am my own man and I want to realize that I have to be a father now, with help, it is going to work.

Senator KERRY. How easy is it to find drugs on Cape Cod?

Mr. ASKEW. Very easy. Like going to buy a pack of cigarettes.

Senator KERRY. Has the reduction in cost made it more available to you?

Mr. ASKEW. To me?

Senator KERRY. To users?

Mr. ASKEW. Yes, very much so. Cocaine especially is very cheap.

Senator KERRY. What is the average user--your friends, or you before when you were using it—what would you think about the criminal justice system?

Mr. ASKEW. I do not know what to think about the criminal justice system. They have a job to do, and people that sell drugs they realize they have a job to do.

Senator KERRY. Did you feel threatened by it? Did you think you were going to get caught? Did you worry about going to jail?

Mr. ASKEW. Yes. You are always thinking about that. It is a situation that you are caught up in the middle, OK? You have the law on one side, and you have money and feeling good on the side and basically you are just taking a chance every day.

But a lot of people that get caught, you know, they just deal with it when they get caught. They do not worry about it beforehand.

Senator KERRY. Do a lot of them think that because there is not any prison space and because the police are overworked that it is kind of hard to get caught, or do they think it is sort of a joke?

Mr. ASKEW. I imagine so. I imagine so, because it is heavily publicized that the prisons are overcrowded, so quite naturally someone would assume that if I get caught they are going to give me a bail and I will be in the street.

Senator KERRY. Did you ever think about that?

Mr. ASKEW. Of course I have, but I have been lucky.

Senator KERRY. Brian, what do you want to share with us?

STATEMENT OF BRIAN FOSS, DIRECTOR, DRUG PROGRAM, NEW BEDFORD HUMAN SERVICE CENTER

Mr. Foss. As Bill pointed out earlier, I think people can and do recover from drug addiction.

Senator KERRY. Give me a little background. How long have you been with the center?

Mr. Foss. I have been with the center for 6 years.

Senator KERRY. How many people does the center serve?

Mr. Foss. The center serves approximately 475 people who are heroin addicted on a daily basis in an out-patient methadone treatment program. In addition, we run a cocaine program, an alcohol program, and a drunk driving program.

Senator KERRY. How many people are serviced in the cocaine program?

Mr. Foss. Approximately 150 people.

Senator KERRY. Has that gone up?

Mr. Foss. Actually, it has gone up. I think part of what is drawing people into treatment for cocaine addiction is the criminal justice system. It is helping compel people to comply with treatment.

But on the other hand certain types of medications are currently being investigated now for cocaine cravings. People like Herb Kleber down at Yale who is working for the administration now has had some success using drugs like desipramine, amantadine, or bromocriptine in terms of the severe depression and crash resulting from cocaine use.

Senator KERRY. Who funds you?

Mr. Foss. We are funded by the Commonwealth of Massachusetts primarily. We also receive third party reimbursement. We are a private, nonprofit mental health center and one of our eight programs is our substance abuse treatment program.

Senator KERRY. Do you have a waiting list?

Mr. Foss. Unfortunately, we do.

Senator KERRY. How long is the waiting list?

Mr. Foss. The waiting list right now if you were to walk into our door today is approximately 3 to 4 weeks.

Senator KERRY. What is the impact of that?

Mr. Foss. The impact of that is—as Bill pointed out, a person coming in saying, "I need some help. I am shooting cocaine. I am smoking crack. I am shooting heroin"—whether that is counseling, methadone, clonidine tx— which is a drug used for heroin—is that

the person leaves our waiting room and goes back and continues to commit illegal activities in terms of supporting their drug habit. Additionally, with the danger of the AIDS epidemic out there, there is a possibility of the spread of the HIV virus as well as contracting it themselves.

Senator KERRY. What do you think just to close up here is the most important priority with respect to our response in Washington in terms of really having a full drug war?

You have listened to the testimony this morning, and you have your own experience to apply to it. What are your priorities to share with us?

Mr. Foss. Certainly, I think enforcement has to be a top priority, but I do not see that as overshadowing some of the other aspects, and I really do believe in treatment and prevention as well as research in terms of some of the possible new medications in terms of being helpful and beneficial for people who are dependent on alcohol, heroin, and cocaine.

So, I do not think you can target one specific area in terms of allocating all the resources. I think it really needs to be an approach across these four areas.

If we were just looking at criminal justice, I think it would really result in a lot of loss of lives for people, and the reality is people in treatment can recover from addiction.

Senator KERRY. Do you have a percentage rate of recovery versus those served that you could share or not?

Mr. Foss. Yes. Our percentage rate is much like most other treatment programs throughout the Commonwealth and throughout the Nation.

Drug addiction in and of itself, more than one-half and sometimes up to 80 percent of people relapse. It's a chronic relapsing illness.

Taking that, you really need the support. The support can come from a probation officer saying, "You will stay clean, and we will monitor your urine." We do urine testing three times a week, random and supervised on every single client.

Do not tell me that you are clean. Show me that. I think that is one way in which it can be done as well as vocational and educational programs in terms of being supportive, Narcotics Anonymous and other self-help programs being available for the person who is really making the transition into drug free.

Senator KERRY. I would like to leave the record open, if I can, for any other questions that Senator Pell might want to ask. But, before we finish, Bill, and hang up, I just want to make sure. Is there any other aspect of this?

You have heard the testimony this morning. Is there anything else you would share with us before we close that you think is important to this effort?

Mr. ASKEW. I would just like to say it would be great if a person wants help that they can get it, and they can get it as soon as they ask for it. Do not tell them to come back in a week.

Senator KERRY. Treatment on demand?

Mr. ASKEW. Treatment on demand.

Senator KERRY. Which is what was talked about earlier.

Mr. ASKEW. That is exactly what we need.

Senator KERRY. I want to thank you very much. I appreciate your patience, your willingness to come. I think it is very helpful for us to have that reiterated in this whole package, and I am very grateful to you for being willing to come forward like this and talk about your experience, and I congratulate you both on the birth of your child.

But also, more importantly, on getting yourself together, and I hope things continue to go well for you. And I wish you well.

Mr. ASKEW. Thank you very much, Senator.

Senator KERRY. We stand adjourned. [Applause.]

[Whereupon, at 12:28 p.m., the subcommittee adjourned, to reconvene at 1:37 p.m., August 30, 1989.]

DRUGS, LAW ENFORCEMENT, AND FOREIGN POLICY

WEDNESDAY, AUGUST 30, 1989

U.S. SENATE,
SUBCOMMITTEE ON TERRORISM, NARCOTICS AND
INTERNATIONAL OPERATIONS
OF THE COMMITTEE ON FOREIGN RELATIONS,
Lawrence, MA.

The subcommittee met at 1:37 p.m. at Heritage State Park, Community Room, Jackson and Canal Streets, Lawrence, MA, Hon. John Kerry (chairman of the subcommittee) presiding.

Present: Senator Kerry.

Senator KERRY. Ladies and gentlemen, the hearing of the Terrorism, Narcotics and International Operations Subcommittee of the Foreign Relations Committee will come to order.

I would like to welcome all of you here this afternoon to what will be a combined hearing format during which we will begin with some opening statements, very few of them, and then move into a roundtable format in which we would like to have a discussion, a frank, blunt, open, direct discussion, of those things that you believe can most have an impact on our ability to be able to wage an effective war on drugs.

The committee is extremely interested obviously in underscoring the linkage between what is happening in a Colombia or a Panama and what is happening in the streets of Beverly or Salem or Lawrence or Haverhill and all of our communities.

I think this week as we meet, that has been brought home by what is happening in Colombia. An entire country has been threatened and even almost taken over by drug lords. Those drug lords who are currently fighting the government in Colombia are responsible for 80 percent of the cocaine that comes into the United States of America.

So, as we meet here this afternoon, there really is not a division between what is happening in Colombia and what is happening here. It is the same battle, and it is for the same stakes.

If drug lords can win in Colombia, our ability to win here is going to be set back. I think all of you know that. What we are looking for and what this committee is having hearings on is an ability to go back to Washington next week after the President lays out his strategy on Tuesday night. We will begin an intense debate on that strategy, and it will be up to us to endorse, to change, to add to, and to subtract from whatever the President suggests.

So, I want to be able to do that to the best of my ability with a fresh sense of exactly where you folks are in the so-called war on drugs and understanding better precisely what is going to make a difference.

Now I have to tell you that I come to this with a fairly significant number of years of experience, because I started one of the first drug task forces in the Commonwealth of Massachusetts back in the 1970's when I was in the district attorney's office.

I have a very strong memory of efforts to create cases where we did not have the buy money, where we did not have the undercover agents, where we did not have the equipment, where we did not have the courtroom capacity to move through some of the cases.

That is now more than 10 years ago to the day that I left. Some of that has not changed today. You have had a very able prosecutor in Kevin Burke, and there are others around the State who are struggling to do better, and the resources have improved somewhat. I do not come here without a sense of the lack of resources.

Notwithstanding that, I want to hear from you precisely what you think is necessary and what it is going to take.

Last year we in the Senate passed the Drug Abuse Act of 1988. It was a $2.7 billion bill. It included money for prison construction, money for DEA agents, FBI agents, treatment, education, and so forth. It tried to legitimize the war on drugs.

The administration did not request a full funding of that bill. As of this year, just less than $1 billion of the $2.7 billion was being spent. So, I forced a confrontation on the drug bill spending just before we left Washington last month and got a commitment from the Senate that we will fully fund that extra $1.7 billion of that bill.

I do not believe that is enough. I want to listen to you today and get your sense of precisely what you think it is going to take to reclaim our streets and our communities from this scourge. I come here with a strong commitment to and understanding of the frustration that all of you share in your efforts to try to do that.

I think people in this State and in this country have had enough of the rhetoric that promises a war on drugs but delivers something considerably less than that.

Now I am delighted with the group that is assembled here. I really want to thank each and every one of you for taking time out of busy schedules to be here. I assure you that what you say here will be listened to. It is made part of the formal record of the Foreign Relations Committee, and I intend to see to it that the staffs of other Senators who are members of the committee will draw from it those things that we believe are the best of the ideas and thoughts that you have about how we can approach these issues.

So, without further comment, let me first of all just give you a sense of how we are going to go at this. I am first going to go through the opening statements, beginning first of all with Mayor Kevin Sullivan, who has worked diligently to create his own efforts here and to undertake a lot of initiatives to deal with it.

Then I would like to turn to District Attorney Burke who likewise has created task forces and reached out to try to coordinate the various levels of agencies within the county in an effort to produce a significant front on this issue.

Then I would like to turn to Gloucester Police Chief Jimmy Marr who will talk about the drug abuse problem and IV abuse problem that they have had in his city and what they have tried to do about it.

Then I will turn to Jim Jajuga from the Lawrence Drug Task Force, which shows what an attempt to create a coordinating center for the inner city can try to do.

Finally, we will hear from Elsie Torres, who lives in the Hancock Housing Project and is the mother of three children ranging from 14 to 9 years of age, who has harassed dealers in the project, including dumping buckets of water on them and so forth, and really trying to make an effort as an individual and who represents the type of problem that we confront.

Then I am going to throw it open, and we are going to have dialog here. I want you to feel free to jump in, move in, contradict each other if you think somebody is on the wrong track. We have found this to be a very healthy kind of way rather than just having panels set up and asking questions. I think it moves the dialog a little more rapidly and creates a strong presentation, and we get to have some give and take and learn a little more from it.

I am delighted to introduce the good mayor of the city of Lawrence and look forward to his testimony this morning.

STATEMENT OF HON. KEVIN SULLIVAN, MAYOR, LAWRENCE, MA

Mr. SULLIVAN. Thank you very much, Senator. First of all, I would like to welcome you, Senator, and the rest of the panel to the city of Lawrence. I want to thank you for giving us this opportunity to address a very serious and important issue.

I would like to mention before I begin that my police chief, Thomas Nastasia, is here as well as the chief of detectives of the Lawrence Police Department, Joe St. Germain. These individuals have been responsible for much of the statistics that I will be referring to.

Today's issue is very important. I think drugs and the drug culture is the most important issue known to man today. While international drug cartels and intervention have been recent Federal targets, it is imperative to strengthen the antidrug movement on the street level.

It is the street dealer who sells the drugs to the children, who commits 95 percent of society's crimes, who deteriorates neighborhoods, helps to spread the AIDS virus, and who drains millions of dollars from government to either prosecute them or to subsidize their so-called poverty lifestyle.

It is the street dealer who must be harassed and unwelcome, and it is the addict who needs to be forced into treatment upon arrest.

A little background on the city of Lawrence. With a reported population of 63,000, one-third is minority, out of that minority predominantly we have Dominican, Puerto Rican, Cuban, Colombian, and other Latin American individuals representing the majority of the minority population in the city of Lawrence.

Over 13,000 out of a population of 63,000 are on welfare. Over 15 percent of our housing stock is subsidized; 20 percent of our popula-

tion is over the age of 65. The elderly, the poor, the law-abiding families and, yes, the addict are all victims.

In the past year the Lawrence Police Department has averaged 100 drug arrests per month. In just over 8 months, close to 100 search warrants have been served just for drugs. Over 50 families have been evicted from public housing since January 1989; 16 units of private housing have been condemned for code violations; 9 families have been evicted under the landlord notification law; and over 150 welfare cards have been confiscated for possible welfare fraud. That is since January.

All of these initiatives have been challenged by the Merrimac Valley Legal Services which receives funding from the Federal Government and the United Fund. They are currently suing us on behalf of a suspected drug dealer who had in her possession four welfare ID cards which belonged to someone else at the time of her arrest.

Just last week over 62 arrests were made after several drug sweeps. It is clear that it is not government that has declared war on drugs. It is the drug dealer who has declared war on government. We can wait for jails to be built. We can wait for educational programs to finally be tested. We can wait until more judges are appointed to the bench. We can wait until the crack houses are reconverted into good quality housing. We can wait for all of these things, and all of these things must take place.

In the meantime, we must act now in a coordinated fashion. Following are some examples of some of my opinions and the opinions shared by the local officials.

We have worked in the past with the FBI, DEA, INS, and ATF, Alcohol, Firearms and Tobacco. Coordination has been very poor. It has been very marginal. The attitude other than having the district attorney/State police task force, which has been outstanding, but on the Federal side coordination has been very poor. It seems that everyone is doing their own thing when it comes to drugs.

I think it is time that some of these agencies ought to begin to open up branch offices in cities like Lawrence to show a full-time presence in cities that have such a huge drug problem.

The Feds should put pressure on States like Massachusetts, a State that has no legal statute to date. The Feds do. It is a great statute. Millionaires should lose every illegal buck made.

We also have in the Federal Government a HUD policy which allows suspected drug dealers to be quickly evicted from public housing units. The State has no such policy, and actually it is very difficult to evict suspected drug dealers from State housing units right now.

In Massachusetts we have noticed a huge increase in stolen cars which is directly drug related. In Massachusetts you can be fined more for violating the speed limit, $100, than you will for stealing a car, which is a $50 fine.

The Massachusetts Department of Welfare has forbidden any inquiry into one's citizenship and has no provisions that make a drug conviction a disqualifying offense. The Massachusetts general relief policy is actually to make a jail term of 60 days or more an eligible circumstance to receive benefits, while the Feds are much more strict when it comes to these types of provisions.

The Feds adopted a Bail Reform Act of 1984 which allows judges to use discretion to impose bail where the safety of the community is in jeopardy. The Massachusetts Bail Reform Act only allows discretion for judges in cases where there is reasonable evidence that the defendant will not appear for trial, never mentioning whether the person does pose a threat to the community if released.

As a result, people are let out on personal recognizance and many are arrested two to three times in 1 day for the same offense. This has happened right in the streets of Lawrence.

It is time that the Federal Government set the tone for the Nation. People who make thousands of dollars selling drugs should not be entitled to public housing, public welfare, a driver's license, free legal defense, or access to any other entitlement program. Selling drugs is a business which derives nontaxable, unreported money to the dealer. By drawing down government benefits, they are defrauding society and government.

The Feds should begin to hold up money to States who do not comply. We have already seen examples in terms of highway funds for States that do not comply with the speed limit.

Addicts must be treated not just as criminals but as people who need help. Judges should have the option to order in lieu of bail to force the person to attend a drug treatment center after doing an assessment. There is no mechanism in place right now to adequately screen defendants at the time of the arrest to even make an impact.

Last, the DARE Program needs to be strengthened with funds. Dropout prevention and self-esteem programs need to be offered through Federal entitlement dollars to public schools instead of just allowing the local governments the opportunity to come up with funds. The final goal is to make the drug dealer's life as miserable as possible. Government services are not divine rights but privileges that can and should be revoked. We must begin to say "No" to subsidizing drug traffic in the United States.

Those are my remarks.

Senator KERRY. Thank you very much, Mr. Mayor. I appreciate those constructive thoughts, and we will follow up on some of those when we get to questions.

District Attorney Kevin Burke.

STATEMENT OF KEVIN BURKE, DISTRICT ATTORNEY, LAWRENCE, MA

Mr. BURKE. Thank you very much, Senator. It is my pleasure to be here in Lawrence today and to discuss with you the antidrug strategy that the Federal Government hopes to develop to assist those of us who have been in the business of fighting this so-called war against drugs for some time.

It is very fortunate for the people of this State to have someone of your background and knowledge exploring the needs of a successful antidrug strategy. I can think of no one more qualified to help implement some of the changes in strategy than you.

If there is a message that we would like to have you bring back to Washington regarding this new strategy that seems to be emerging, it is that we on the battlefields want a real war against drugs.

There has never been conducted in the 11 years that I have been district attorney a real war from the Federal level.

If rhetoric and words are ammunition, then there has been a considerable amount of ammunition fired in the direction of drug dealers, but unfortunately the drug dealers are simply not reading the press releases.

There is a tremendous problem and has been for some time in our streets caused by the use and abuse of drugs. When people in Washington begin to talk about war and even begin to talk in the terms of billions of dollars to fight drugs, as last year's appropriation or authorization indicated, you have to put that in perspective of what we spend in the Defense Department budget.

While the Defense Department budget is somewhere in the $300 billion plus category, even the grandest of antidrug proposals would spend less than 5 percent of a Defense Department budget to fight this war. Now as I understand war and as history tells us, war is a state of national emergency that requires mobilization of every resource of the national government. Nothing like that has occurred on the part of the Federal Government, and nothing like that frankly seems to be proposed to fight the war against drugs. We are talking about an investment of billions of dollars that has to be committed on a long-term basis, and the strategy must be changed from the point of view, I think, of everybody assembled here today.

The strategy has to shift its emphasis from interdiction efforts on the part of the Federal Government to a strategy which recognizes that the only answer lies in the communities and the streets of the Commonwealth of Massachusetts and the States of this Nation.

While I would not, of course, recommend that we stop interdiction efforts, I think that there has to be a shift in emphasis on the part of the Federal Government to recognize that what we have to do to win the war against drugs is to be involved in demand reduction.

As long as this country produces the demands that it does for drugs, we are going to have problems in Colombia or Bolivia or Ecuador or Peru. Until we deal with the real problem of demand reduction in our streets, then we will never be in the position to do away with the problem created in South America.

I would suggest to you that the demand reduction efforts focus on three particular areas. One would be in the area of street enforcement. In Essex County we have proven that if you can apply intensive street enforcement to an area of drug distribution, you cannot only affect the drug dealing in that particular geographic area but you can affect the crime rate in the community. You can substantially affect how people live their lives in an area, and, therefore, you can improve the quality of life for that particular community.

The Essex County Task Force significantly reduced drug dealing in Lynn with six State police officers. We have attempted to do it in Lawrence with six State police officers and, frankly, that to be effective. We need many more officers.

Street enforcement has been shown to work, and it should be one place where the Federal Government invests its money. The fact of the matter is if you make it impossible to buy drugs by having

police present on the street, then the wholesaler, the drug dealer, has no place to sell the product and soon enough they close down operations.

But if we do not have the resources, which now we do not, to produce that intensive street enforcement effort, there will be retail outlets that continue to exist. Sad to say that in spite of our best efforts in Lynn, because we had to shift the limited resource from that effort there is a reoccurrence of drug problems in certain neighborhoods; that in spite of our best efforts in Lawrence and the efforts of the Lawrence Police Department, we have not achieved our goal, we have not improved the quality of life in the neighborhoods to the extent that we would like.

We need resources, Senator, considerable resources for street enforcement, again running into the billions of dollars. That is the message.

I think that any law enforcement official who will speak to you today will tell you that all we are doing on the streets is fighting a holding action. We are not the solution. Even if we get all the resources we wanted, we really are in a battle now for the hearts and minds of the drug user.

We can only fight that battle effectively through education. There must be a mandated curriculum kindergarten through 12 in every school in this Nation that would allow children to deal with the issues that cause them to consider using drugs. There has to be in place the availability for parents to develop a support system in order to discuss and deal with children who have drug problems.

If we do that, if we invest our time, money, and education, in the long term we are going to reduce demand. We are going to have an educated population, an adolescent population with a greater understanding of what they need from life and better able to make decisions about their life.

In addition to the education that must occur in the schools, I would like you to ask the President to consider creating a special commission of the private sector including union leaders to deal with the problems of drugs in the workplace.

If we deal with the education issues with young children, I think it is equally important that we create an opportunity for people in the workplace to educate themselves as to the problems of drugs and to provide wherever possible the kind of counseling and medical assistance employees will need to get themselves away from a drug problem.

Drug use in the workplace is costing the American employer billions of dollars. It is in his best interest to combine with employees and employee organizations to learn how to deal with that problem through counseling and employee assistance programs. It is in the best interest of this Government and this Nation to assist in any way they can this kind of private sector combination, we cannot leave out the workplace, the employer, and the private sector in this war against drugs.

In the final analysis, I think we have to remember that we have an enormous commitment and need to provide the kind of basic services that one would require in this long-term effort. In some cases it will involve a capital investment of billions of dollars

across the country—$2 billion, frankly, could probably be eaten up in a couple of States in prison construction alone.

In addition to prison construction, as I am sure the mayor has indicated and others will indicate, we need drug rehabilitation centers. The rehabilitation beds available in this area are scandalously few, so that it does us no good to drive someone off the streets and out of drugs yet have no place to send them.

You, Senator, know better than almost anyone, we need prosecutors. We need a courthouse. We need judges to process these cases. That is part of the long-term investment. That is part of what must be considered as the strategy in the war against drugs. To ignore these things would be to continue to conduct a war only by press release and not by real action.

We are fighting a generational war and one that will not be won by a couple of pitched battles in a few years. We can only measure the effect of this demand reduction effort, street enforcement and education in schools and the workplace over a period of 10 or 15 years, and we must commit to the long term, and we must commit a considerable portion of our national resources.

As I understand the Secretary of Defense the other day, he does not want a weapons system for a plane the Marines want at $26 billion, and there is some question about the viability of that piece of machinery. And we all know the argument of the Stealth bomber, which might be rendered useless with Russian technological advances.

To have the Congress and the President tell us they will give us $2 or $7 billion is sad and deceptive. We want and need, if this is a true war, billions more.

Thank you.

Senator KERRY. Thank you very much, Kevin. I appreciate that, and we will follow up on parts of that, also.

Chief James Marr.

STATEMENT OF JAMES MARR, POLICE CHIEF, GLOUCESTER, MA

Mr. MARR. Thank you very much, Senator. I am from a community down in the Cape Ann area, which is a community of 28,000 to 30,000 people, and in the summertime during the tourist season it doubles and sometimes triples in population in the area of Gloucester.

We have in Gloucester a harbor which is not just a tourist attraction-type harbor. We have a harbor which is known as a working harbor. It is an international seaport-type harbor.

We in the city of Gloucester have experienced over the last several years drug trafficking. Through the 1970's and 1980's, out of 10 major trafficking cases which are going on in the city of Gloucester around the Cape Ann area, Gloucester was involved in at least 8 out of the 10 investigations, which District Attorney Kevin Burke I am sure can relate to as well as Senator Kerry and Lieutenant Jajuga. Thousands of man-hours and thousands of dollars were spent and many people were subsequently prosecuted.

We have in our city spent thousands of man-hours trying to combat the problem of drugs in our city. We are at the present

time set back. The reason, as I am sure everyone is well aware, is budget, money, and manpower available to do the job.

We have budget restraints right now that are really doing a very severe cutback to all law enforcement agencies everywhere in the north shore area.

I received information from my administration recently to take another $88,000 out of my budget, and I received information that we will not be able to buy any more police cruisers this year.

It is very difficult for a law enforcement agency to make any kind of an attack on any type of law enforcement problem when budget, equipment, and manpower is being reduced. This just cannot happen.

If we are to survive, then we must do something about the reduction of funds that is facing every law enforcement agency in the Commonwealth. We are faced with reduced funds and reduction of manpower, and it is a hindrance to law enforcement.

Senator, I would like to say to you we need the $125 million for local police and for the State police to do something about the war on drugs, to do something for our kids. We need the $6 million for training Federal and State law enforcement officials.

We need the $36 million for the drug-free public housing and drug treatment centers and for the juvenile justice enforcement agencies and antigang agencies.

We need the $470 million which could be put to drug/alcohol treatment programs or toward doing something for the 46,000 patients that we have as inpatients at hospitals and facilities today and also to do something for the 176,000 outpatients who are out on the streets needing assistance.

We need to do something about enforcement. We need to address education. I think we very seriously need to do something about giving our kids an incentive of some type to stay clean. We need to do something about rehabilitation facilities which would straighten out some people and put them on the right course.

Senator, we need these moneys, we need these funds, and we need people. We need money for surveillance work, and we need the tools to do our job. Until such time that we get these tools and the assistance, we are going to be where we are at the present time today.

I applaud you for your efforts. I would say to you take the message back to Washington. We need these funds desperately in all our communities so that we can do something for the war on drugs.

Thank you.

Senator KERRY. Thank you very much, Chief. I hear your plea loudly and clearly, I assure you. My only hope is that we can somehow get an end to this mindless governing process where people seem to move in the opposite direction, notwithstanding the most real demands that we face. I think we can talk a little bit about how that might be brought about also as part of this effort.

Before we do that, I would like to turn to Jim Jajuga, who will talk about the Lawrence task force effort.

STATEMENT OF JIM JAJUGA, ESSEX COUNTY DRUG TASK FORCE, MASSACHUSETTS

Mr. JAJUGA. Senator Kerry and distinguished guests, ladies and gentlemen. I would like to thank you, Senator, for taking the time to listen to us today. I think that the note or the theme that you are going to take back with you is that there is a tremendous amount of frustration in each and every one of us, whether it be Cape Ann, the southern end of the county, or the northern end of the county.

Currently, our enforcement efforts in the Essex County Drug Task Force are aimed at street level enforcement. We currently have nine State police officers and six local officers, three Lawrence officers, and three Lynn officers.

Our primary focus in each of these communities is street level enforcement. In furtherance of that, we have publicized as much as we can our drug hotline. We have also publicized our post office boxes in which we receive complaints from the general public.

Our efforts have been aimed at street level enforcement, as District Attorney Burke mentioned, trying to improve the quality of life. The people in Lawrence and Lynn do not see the international drug traffic. They do not see Fabio Ochoa in downtown Lawrence, but they cannot live in Lawrence and Lynn in some of these streets. They cannot go outside their houses, Senator. They are fearful for their lives.

To go on any more would be redundant. What I would like to do is just talk about some of the problems that I see and offer some of the solutions or resolutions.

First of all, of the $2.6 million for enforcement that came out of that particular drug bill that you mentioned, it is ludicrous to think that—I am a member of a countywide drug task force, but there are 11 drug task forces in Massachusetts. I do not presently have a portable radio that I can use to communicate with an officer if I should have to leave my cruiser and chase a suspect down. This is 1989.

Also, Senator, I hate to even bring this up because it is so basic, but we do not have currently a statewide criminal intelligence network similar to the NADDIS system that is run by the Drug Enforcement Administration where myself or any one of the other local police chiefs or detectives sitting at this table can access that computer for criminal intelligence. In 1989, Senator, we still have to rely on the old word of mouth and the telephone, and only on personal contact will we get the information necessary.

The equipment other than portable radios, we do not have any sophisticated equipment. There are no pools of sophisticated equipment that is readily available to us.

In terms of the Drug Enforcement Administration, in this region there is a demand reduction coordinator. This is one of the regions of the country. Our efforts in Essex County have been aimed at demand reduction, and yet for the several years that this demand reduction coordinator has existed, I have never been contacted by him or her to get my feedback or my input.

This is what the mayor was saying. It seems like there is a lag in communication between the Federal, State, and local governments.

Additionally, I have asked on numerous occasions for more Drug Enforcement Administration assistance in terms of enforcement assistance, and there never seems to be enough Drug Enforcement Administration officials available to help us. So, there is certainly a need for more Drug Enforcement Administration officers.

Beyond that, Senator, one of the problems is we do not have enough prison space. I would recommend to you as a suggestion for the Federal Government that you consider turning over military bases such as Forts Devens and Otis, the thousands of acres that are currently not being used, to the State and local governments and turning them into, rather than prison facilities, I suggest with the drug abuse situation as bad as it is, treatment facilities, Senator.

So, if a person was maybe charged with a minor offense, a drug-related offense, rather than the person being warehoused at a house of correction where he or she would just learn how to commit more crimes, this individual would be sent to this rehabilitation facility at a military base which was turned over to that State.

What I feel is that if more people were sent to these facilities for indeterminate times, their release depending on their rehabilitation program, we would free much more prison space up, and we could get at the root of the particular problem.

Also, we need better coordination with the State of New York. New York's problem is Lawrence's problem, Senator. New York's problem is Lynn's problem. The Gloucester chief is here, and he will tell you that he has a substantial number of IV drug abusers and that the AIDS rate is very high in his community.

If you ask the chief, he will tell you that the heroin that flows into Gloucester does not flow in by boats. It flows in over land from either Providence, RI or New York directly. It does not really matter. The ultimate source of the heroin is New York City. Lawrence has a substantial number of IV drug abusers. It has a very high AIDS rate. Lawrence's heroin is all from New York.

Lynn has a growing heroin problem that we have somewhat licked, but it is growing. Lynn's heroin problem is directly related to New York.

Yet, Senator, there are no formal communications, no formal centralized computer system, no formal anything other than just that one-on-one contact that I have with the New York City police or the New York City drug task force. It is ludicrous in 1989 that we are still working on this type of system.

I also would like to suggest to you Project DARE which the district attorney and Mayor Sullivan brought up. I have the brochure which I will give you.

[The information referred to follows:]

PROJECT D.A.R.E—DRUG ABUSE RESISTANCE EDUCATION

The Massachusetts Committee on Criminal Justice (MCCJ) has received a grant from the Bureau of Justice Assistance, U.S. Department of Justice, to replicate Project DARE in Massachusetts. MCCJ has contracted with Education Development Center, Inc. (EDC), in Newton to implement the grant. EDC is working in collaboration with MCCJ and the Governor's Alliance Against Drugs to pilot this innovative substance abuse prevention program in selected Massachusetts communities.

What is Project DARE?

Project DARE is a substance abuse prevention education program designed to equip elementary school children with skills for resisting peer pressure to experiment with drugs and alcohol. This unique program, which was developed as a cooperative effort by the Los Angeles Police Department and the Los Angeles Unified School District, uses well trained uniformed officers to teach a formal curriculum to students in a classroom setting on a regular basis. Project DARE focuses special attention on fifth and sixth graders when they have not yet been led by their peers to experiment with drugs and alcohol and when they are most receptive to drug prevention education. Because the goal of prevention requires an attitudinal change in children, the developers of DARE replaced the traditional approach of emphasizing substance abuse identification and the dangers of abuse with a curriculum that addresses values, decisions, self-concept improvement, respect for the law, and, most important, peer resistance training. The attached article from NIJ Reports described the program in some detail.

How is Project DARE Presented?

Project DARE is taught by specially selected and thoroughly trained police officers. Each officer may be assigned to as many as five schools per semester, one for each day of the week. DARE instructors teach 17 consecutive sessions over the course of a semester to the school's exit grade. The 45 minute lessons are presented weekly. Officers usually teach no more than four class units per day. They spend the balance of their time at the school developing rapport with students by participating in routine activities such as lunch in the cafeteria, recess and playground, and assemblies. Officers may also hold drug awareness training sessions for parent groups, civic organizations, and faculty members to familiarize them with DARE. Visitation lessons are also available for presentation to kindergarten through fourth grade levels. A follow up curriculum for junior high level has been developed as well.

Project DARE also provides supplemental lessons that the regular classroom teacher can use to reinforce the officer/instructor's instruction. The teacher usually remains in the classroom during the DARE lesson and may offer feedback on the officer's activities or may actually, if the teacher wishes, participation in DARE presentations.

How Does Project DARE Fit Into the Governor's Alliance Against Drugs?

Project DARE qualified as one component of the comprehensive K–12 prevention education program that the Governor's Alliance Drugs member communities have agreed to develop. The Project DARE curriculum meets all seven curriculum concepts established by the Alliance: (1) drug and alcohol identification and physical and behavioral effects; (2) social contact of drug and alcohol use; (3) misuse of and dependence of drugs and alcohol; (4) self-development; (5) interpersonal skills; (6) coping skills; and (7) responsible decisionmaking. EDC, the Governor's Alliance, and the regional prevention centers will work with the communities in which DARE is to be implemented to adapt the DARE curriculum to the unique needs of Massachusetts.

What Is Special About DARE?

DARE targets elementary school children.—High school drug education programs come too late to prevent drug abuse among youths.

DARE offers a highly structured intensive curriculum developed by specialists.—A basic precept of the program is that elementary school children lack sufficient social skills to resist peer pressure and say "no" to drugs. DARE instructors do not use scare tactics of traditional drug education that focus on the dangers of abuse. Instead they work with children to raise their self-esteem, to learn to make decisions on their own, and to identify positive alternatives to alcohol and drug use.

DARE uses uniformed police officers to conduct the class.—Uniformed DARE instructors not only serve as role models for children at an impressionable age but also instant credibility on the subject of drug abuse. Moreover, by relating to students in a role other than law enforcement, officers develop a rapport which promotes positive attitudes toward the police and greater respect for the law.

DARE represents a long-term solution to a problem that has developed over many years.—Many people believe that a change in attitudes will reduce the demand for drug over time. DARE instructors give children positive alternatives to negative be-

havior and mature decisionmaking capabilities that they can apply to different situations as they grow up.

What Do Evaluations of Project DARE Indicate?

Evaluations of Project DARE in Los Angeles have yielded encouraging results. One recent evaluation assessing the impact of Project DARE on the knowledge, attitudes, and behavior of seventh grade students who had received the full semester DARE curriculum during sixth grade revealed that, compared to a control group, students who had DARE training reported significantly lower use of alcohol, cigarettes, and other drugs since graduating from sixth grade. A second evaluation revealed great enthusiasm for the project among principals and teachers and a widespread conviction that it has been successful in making students less accepting of substance use and better prepared to deal with peer pressure.

Project DARE: Teaching Kids to Say "No" to Drugs and Alcohol

(By William DeJong)

Dear Chief Gates: I have learned to say no to drugs and never take drugs. It messes your life up and the people who take drugs are stupid.

I was offered drugs and I said no. He put it in my face, and I took it and stepped on it and hit him. He said it was good. I thought about Officer Sumpter and how he said to say no.

Shawn, Fifth Grade.

Shawn's letter, and thousands of equally enthusiastic letters from other fifth and sixth grader students, bring a smile of satisfaction to Los Angeles Chief of Police Daryl F. Gates. Shawn, a recent graduate of Project DARE (Drug Abuse Resistance Education), obviously learned his lessons well.

A joint project of the Los Angeles Police Department and the Los Angeles Unified School District, Project DARE is designed to equip elementary and junior high school children with the skills for resisting peer pressure to experiment with drugs and alcohol. The goal, in short, is to teach kids how to say "no." A growing consensus among experts in education and medicine holds that substance abuse prevention must begin early, well before children have been led by their peers to experiment with drugs and alcohol. Most important, Project DARE introduces this training just at the time when the peer pressure begins.[1]

DARE's instructors are Los Angeles police officers on full-time duty with the project. Assigned to five schools per semester, the officers visit their classrooms once a week to present an innovative curriculum developed by school district personnel. Veteran police officers with several years of street experience, the DARE instructors have a credibility unmatched by regular classroom teachers. Equally important, the officers are good teachers. They are carefully selected by DARE's supervisory staff and then fully trained by health specialists from the school district. The DARE supervisors made frequent visits to monitor the instructors' classroom performance.

Project DARE began when Chief Gates approached the Superintendent of Schools, Dr. Harry Handler, in January 1983 to enlist support for a cooperative effort to combat drug and alcohol use. Traditional law enforcement efforts to control the distribution and sale of illicit drugs on school campuses, primarily through periodic "drug busts," made little impact and alienated students and school personnel from police. Chief Gates suggested that a new approach, focused on prevention, and designed to build trust between the schools and law enforcement, was needed. Dr. Handler agreed. A task force comprised of police and school personnel was appointed to develop the Project DARE training program.

Chief Gates has assigned 19 line officers to the project, with plans to increase that number to 53 to extend coverage to every elementary school in Los Angeles. A junior high school curriculum, coupled with early intervention counseling of high-risk students by school counselors, is also being implemented. When it is fully in place, Project DARE will reach more than 250,000 school children annually.

Chief Gates believes that Project DARE is good policing, well worth the commitment of department resources: If elementary and junior high school students can say "no" to drugs, demand for illicit drugs will drop, and drug-related street crime will be reduced. At stake, he asserts, is the future. "The police must work with the

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[1] D.B. Kandel and J.A. Logan, "Patterns of Drug Use from Adolescence to Young Adulthood: I. Periods of Risk for Initiation, Continued Use, and Discontinuation." *American Journal of Public Health* 74 (1084).

schools and the private sector to secure that future for today's kids," Chief Gates emphasizes.

Building Self-Esteem

Officer Bill Guerrero, unarmed, but in full uniform, holds up a bright red balloon for his class to examine. The students are attentive, obviously enjoying their sixth Project DARE lesson.

"This is our self-esteem balloon," Officer Guerrero says, smiling. "When good things happen to use, our self-esteem balloon grows." He blows up the balloon.

"But when bad things happen to us, what happens to our self-esteem balloon? That's right." He lets out all the air, making a loud rasp. The kids laugh.

"Everyone does something well," the officer continues. "Identifying our own strengths is important in building a positive self image. We don't have to rely on others to blow up our self-esteem balloon. By pumping up our own self-esteem, we can take more control over our own behavior."

Officer Guerrero then reads, "Bill's Balloon," a story designed to show that a child's experiences can either strengthen or weaken self-esteem, represented by the balloon.

"7:00 a.m. Bill wakes up, get out of bed, and walks toward the bathroom. He discovers that it is already occupied by his sister. He hears his mother call to him, 'Bill, you leave her alone and stop picking on her.' "

The officer holds up the balloon. "What happens to Bill's self-esteem?"

"It does down!" two or three students call out.

"9:00 a.m. Bill goes to class. The teacher asks for his homework. He tells her that he forgot to do it. The teacher reminds him that it will count against his grade in work habits." Officer Guerrero looks expectantly at the class. "What happens?"

"Down."

"10:30 a.m. Bill meets his friends during nutrition class. One of the boys in the group teases him about not wanting to smoke cigarettes after basketball yesterday. Bill ignores him."

"Up!"

"That's right!" Officer Guerrero fills the balloon until it is ready to burst.

Officer Guerrero is a gifted teacher but not an unusual one for Project DARE. The reasons for this excellence are clear: careful selection and rigorous training.

Through an 80-hour seminar prepared and taught by school district personnel, all new DARE instructors become well versed in a variety of teaching techniques, counseling strategies, and classroom management. A key component of their training is preparing and teaching one of the DARE lesson plans to fellow trainees. Upon completion of their training, the new instructors receive a vocational teaching certificate from the State of California. Normally, DARE instructors stay with the program for 2 or 3 years before reassignment.

Inservice training guarantees that the instructors' skills remain sharply honed. During the school year, the instructors hold biweekly meetings to discuss and solve classroom problems. In addition, once each year, the instructors attend a week-long training session to refresh their training and refine the curriculum.

The instructors' work extends beyond the classroom. Recess is spent on the playground with the students, helping them get to know the police officers as friends. Time is also set aside for meetings with principals and teachers to discuss their concerns. For parents, an evening session provides information on symptoms of drug use, ways to improve family communication, and counseling resources.

Being "Officer DARE" is hard work but, without exception, the instructors find that the personal rewards are tremendous. Quite simply, the kids love them.

Learning How To Resist Pressure

Why do young teenagers so often experiment with harmful substances? [2] Drug and alcohol use among adolescents typically begins in a social setting involving peers or relatives.[3] Unfortunately, adolescents are often more concerned with their

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[2] According to a 1983 survey of graduating high school seniors, approximately one-third reported having used an illicit drug within the last 30 says. L.D. Johnston, P.M. O'Malley, and J.G. Backman, *Drugs and American High School Students* 1975-83 (Rockville, MD: National Institute on Drug Abuse, 1984).

[3] J.M. Polich, P.L. Ellickson, P. Reuter, and J.P. Kahan, *Strategies for Controlling Adolescent Drug Use* (Santa Monica, California: Rand, 1984).

acceptance within a peer group than with the long-term risks of their behavior. Traditional drug abuse programs dwell on drug identification and the harmful effects of drugs and alcohol. With Project DARE, the emphasis is on helping students recognize and resist the sometimes subtle pressures that cause them to experiment with alcohol, marijuana, and other drugs.[4]

Through the DARE lessons, students learn that: real friends will not push them into trying drugs and alcohol; contrary to popular myth, the majority of their peers do not use these substances; being grown up means making their own decisions and coping with problems in a positive way; and they can assert themselves in the face of peer pressure.

The lessons also stress that a child who feels good about himself, who can communicate his feelings, who can foresee the consequences of his behavior, and who can identify alternatives to drug use will be better prepared to resist the temptation to try drugs and alcohol.

The DARE curriculum is organized into 17 classroom sessons conducted by the police officer, coupled with suggested activities taught by the regular classroom teacher. A wide range of teaching activities are used—question and answer, group discussion, role play, workbook exercises, all designed to encourage student participation and response.

The following brief summaries of each lesson capture the scope of the DARE curriculum and show the care taken in its preparation. All of these lessons were pilot tested and revised before widespread use began.

1. *Practices for personal safety.*—The DARE officer reviews common safety practices to protect students from harm at home, on the way and from school and in the neighborhood.

2. *Drug use and misuse.*—Students learn the harmful effects of drugs if they are misused, as depicted in a film, "Drugs and Your Amazing Mind."

3. *Consequences.*—The focus is on the consequences of using or choosing not to use alcohol, marijuana, and other drugs. If students are aware of those consequences, they can make better informed decisions regarding their own behavior.

4. *Resisting pressures to use drugs.*—The DARE officer explains different types of pressure that friends and others exert on students to get them to try alcohol or drugs, ranging from friendly persuasion and teasing to threats.

5. *Resistance techniques: ways to say no.*—Students rehearse the many ways of refusing offers to try alcohol or drugs—simply saying "no" and repeating it as often as necessary; changing the subject; walking away or ignoring the person. They learn that they can avoid situations where they might be subjected to such pressure and can "hang around" with nonusers.

6. *Building self-esteem.*—Poor self-esteem is one of the factors associated with drug misuse. How the students feel about themselves results from positive and negative feelings and experiences. They learn to see their own positive qualities and discover ways to compliment others.

7. *Assertiveness: a response style.*—Students have certain rights—to be themselves, to say what they think, to say no to offers of drugs. They must assert those rights confidently without also interfering with others' rights.

8. *Managing stress without taking drugs.*—Students learn to recognize sources of stress in their lives and to develop techniques for avoiding or relieving it, including exercise, deep breathing, and talking to others. Using drugs or alcohol to relieve stress causes new problems.

9. *Media influences on drug use.*—The DARE officer reviews strategies used in the media to encourage tobacco and alcohol use, including testimonials from celebrities and pressure to conform.

10. *Decisionmaking and risk taking.*—Students learn the difference between bad risks and reasonable risks, how to recognize the choices they have, and how to make a decision that promotes their self-interest.

11. *Alternatives to drug abuse.*—Drug and alcohol use are not the only way to have fun, to be accepted by peers, or to deal with feelings of anger or hurt.

12. *Alternative activities.*—Sports or other physical fitness activities are good alternatives. Exercise improves health and relieves emotional distress.

13. *Officer-planned lessons.*—The class is spent on a special lesson devised by the DARE officer himself.

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[4] Four programs that are similar but do not involve police officers as instructors are reviewed by G.J. Botvin and T.A. Wills, "Personal and Social Skills Training: Cognitive-Behavioral Approaches to Substance Abuse Prevention," in *Prevention Research: Deterring Drug Abuse Among Children and Adolescents*, ed. by C.S. Bell and R. Battjes, (Rockville, MD: National Institute on Drug Abuse, 1985).

14. *Role modeling.*—A high school student selected by the DARE officer visits the class, providing students with a positive role model. Students learn that drug users are in the minority.

15. *Project DARE summary.*—Students summarize and assess what they have learned.

16. *Taking a stand.*—Students compose and read aloud essays on how they can respond when they are pressured to use drugs and alcohol. The essay represents each student's "DARE Pledge."

17. *Assembly.*—In a schoolwide assembly, planned in concert with school administrators, all students who participated in Project DARE receive certificates of achievement.

Dear Chief Gates: I really enjoyed the DARE program because the officers were very nice and made you feel comfortable when you asked dumb questions. Thank you for telling the officers to come to our school and for giving use the nicest ones!

I really think that the DARE program is a super neat thing and I will resist drugs and will not get addicted for as long as I live. I will always remember the nice officers who came to our school.

Olga, Sixth Grade

Project DARE represents a major financial investment on the part of both the Los Angeles Police Department and the Los Angeles Unified School District. Public officials are convinced, however, that this cost is inconsequential when compared to the price Los Angeles pays each year in ruined lives and street crime caused by substance abuse.

Vigorous efforts by the police department have led to growing corporate foundation support. Efforts to generate donations from private citizens are underway, aided greatly by in-kind contributions from a California ad agency that designed promotional materials. In Los Angeles, both private and public resources stand ready to combat drug and alcohol abuse by the city's young people.

Can other adopt the DARE approach? Successful replication of Project DARE hinges on strong cooperation between local schools and law enforcement. In many cities, building that cooperation may appear to be an insurmountable obstacle. But, as Chief Gates has shown, the police can make the first move.

Mr. JAJUGA. Project DARE, which is an acronym for drug abuse resistance education, is one of the programs that has been proven successful throughout the country, and I suggest to you consideration should be made to federally mandate that this program be funded in every single community.

Again, Senator, if you are going to mandate that this program be utilized in every community, you have to fund it. You have to provide for the local police officer to be removed from his patrol beat. You have to provide for the brochures to give to the children. This is apparently not being done, Senator.

I just want to conclude by saying I want to thank you for taking the time, and I want to suggest to you that there is a level of frustration.

I apologize, but I forgot one particular thing, Senator; two things, actually. The current bail statutes in Massachusetts are grossly inadequate. In Massachusetts if an individual comes into a police station with a bag of cash, whether it be $10,000, $20,000, $30,000, or $50,000, there is no provision in the State statute for us to make a determination where that individual received those moneys, unlike the Federal law.

The second thing, Senator, and very important also, and this ties into the bail statute. I do not believe that if a country refuses to negotiate an extradition treaty with the United States that that should be a factor in that person's bail request. In other words, if we do not have an extradition treaty with a particular country, I do not believe that should be a prime factor in disallowing bail for a person that gets arrested for distribution and major trafficking of controlled substances.

In the situation of Lawrence, we have a revolving door. This is one of the reasons why we have not been able to make much headway, although we have had a substantial number of arrests and search warrants. You have heard the mayor and the district attorney. We make arrests every day and every week, yet we do not seem to be making the headway we should.

One of the big factors is because we have groups of people who know that there is no extradition treaty with the United States in their particular countries, and they realize that there is one bite of the apple. They sell and sell until they get caught.

There are no provisions to determine where they get the bail money, and they realize it is a cost of doing business. So, they come down to the Lawrence police station with a paper bag, and they provide the $20,000 or $30,000, and we have no law or no statute allowing us to question the source of that income. They just provide that money and they leave, and they flee the jurisdiction of the United States. This happens all the time, and this is why we have such a serious problem.

I want to thank you, Senator, for taking the time, and I want to thank you, ladies and gentlemen, for being here and for listening to our problems.

Senator KERRY. Jim, thank you very much.

Without objection, the materials on Project DARE which you submitted will be printed in the record in full at the appropriate place.

I thank you for your comments very much.

Elsie Torres.

STATEMENT OF ELSIE TORRES, HANCOCK HOUSING PROJECT, MASSACHUSETTS

Ms. TORRES. I live in the Hancock Project now. I have three kids I am raising, and I am having problems with these druggies. Every time I tell them to move out of my steps, they do not want to move. So, the last thing I had to do was put a hose from my window to my steps.

Now my kids are seeing everything, and I have been trying to call the task force. I have even been to the police station and told the task force chief. I tell them everything that is happening.

They laugh because they say "We are going away," and then they come back at 6 and 9 and I see them again selling drugs in the same place.

Now my kids even find needles and stuff, but I tell them not to pick up whatever they find, just leave it there.

Sometimes I tell them to move out of my steps, and what they tell me is I do not pay rent on my steps. Sometimes they come and say if you do something, we are going to get you. I am raising three kids alone.

Now I have been talking to the manager, to the President, and I talked to the task force to see what they are going to do.

They take five, and the next day you seen 10 in there doing the same thing. They are all laughing. They do not care. They say we come out with $15 or $20. That is all they do.

We have had this for the longest time in the Hancock Project. Sometimes it is people from out of the projects that come to do this. They do not even live in the projects. We have to handle it because we live right there.

When they see the task force, they just walk away. Now we need women to come in because they are bringing in women to hold the drugs so that when they search the guys they have nothing on them.

I see everything from my house because I live right there on the corner where they all are. I see when they hit guys to take their money because they do not have drugs for themselves. My kids see that, and I have to take them away because I live right there. I have no other choice.

That is all.

Senator KERRY. How long have you been living there?

Ms. TORRES. Three and one-half years.

Senator KERRY. How often does this go on?

Ms. TORRES. This is every day. This is going on every day. Around the corner from my house they sell beer, they sell cigarettes, and they sell rum every afternoon from 5:30 on. I went to the task force and I told them. This is going on every day.

Senator KERRY. Do any of those people get arrested?

Ms. TORRES. No, they do not get arrested. The lady that sells beers and everything, she has not gotten arrested yet. She has been doing it for the longest time. They are usually by her house, too, but she cannot say anything because she is not doing the law either.

Senator KERRY. Who are they selling it to?

Ms. TORRES. They are selling it to kids and to big people. I see them. I live right around the corner, and I see this every day. I went away for 2 weeks because I got tired of seeing the same thing every day.

Senator KERRY. Are there other people in the housing project who are also users or sellers?

Ms. TORRES. Yes. There is a big one that lives right on Lynn and F. He is one of the big ones. He does not sell it, but he gives it out to sell. I gave the address and everything. They know about it. The Lawrence Housing knows that he is one of them.

Senator KERRY. Do you think that it makes a difference if people who are in the housing project, where it is a Federal project, if they take away the right to be in the project? Does that make a difference to people there?

Ms. TORRES. If they take out the ones who sell drugs, that will fix it up a little bit because that is who they are looking for. If people from the outside come in and they do not have drugs so that guy comes to them, he says "Here, you sell this and give me so much and I will take so much." I see them. They come at 5:30, 6:30. He goes up to the park, and they give him the money, and that is it. He walks away. He does not sell it, but he gives it to them to sell.

That is like the lady who sells beers. She has a boyfriend. He sells drugs, she sells beers, so they are both doing the same thing. They are doing wrong.

Senator KERRY. Let me do this. I would like to introduce the rest of the panel now to see if we can move around and get comments

and thoughts, or if anybody wants to ask a question of somebody else or comment on something somebody said, this is really the open part of this. I would like to really get it to be as spontaneous as we can be.

The participants, if I can just share with everybody who is taking part in this, we have the Mayor of Salem, Anthony Salvo, and he has brought with him Bill Luster, who is a city planner there. They have together been involved in starting a new program in Salem involving the business community.

We have Mayor Ted Pelosi and Police Chief Dan Fasulo from the city of Haverhill. We have Police Chief John Finnegan from the city of Beverly.

We have Police Chief Robert Champagne from Peabody.

Mayor Toregian is out of town or he would have also been here.

I have been asked to share with you that Sheriff Charlie Reardon has Sheriff Association business or he would have been with us today. He wanted to apologize for his inability to be here.

Tom Riley is here representing Congressman Chet Atkins.

Representative Larry Giordanno has joined us from Methuen, and he is here in the audience.

I do not think I left anybody else out.

Let me ask if any of you want to just lead off, if you have a comment before I call on somebody.

A VOICE FROM AUDIENCE. I am sorry, Senator Kerry. I would just say I have to leave, but I was looking forward to making a comment for about 3 minutes before I leave. I hate to upstage you, but I have to leave.

Senator KERRY. The problem is this is really not open to the public under the rules of the committee, and I do have to operate under the rules of the committee.

If you have a comment that you want to submit, we will be happy to take them, and the rules do provide for us to take it in writing prior to September 15. So, if you would like to submit a statement or a comment, I will make sure that each participant here does get it.

If you see Chris Greeley of my staff over there, he will make sure we get it.

It is just that that is the committee process, and we are operating under those rules. There can be input, but after we finish the formal part of the meeting, after we have gone through the formal process, I would be delighted to take audience input. I will signal that moment when we get to that point.

He could not stay, so I wanted to be sure he knew there was a way for him to put his comments in formally.

Before I call on you and ask you a specific question, I wonder if any of the chiefs or mayors would like to add their description of the problem that they face or a sense of what the solution is?

I would be particularly anxious to hear from you. The President is going to announce a strategy on Tuesday night. On Tuesday night, you are going to know whether or not the administration is serious, and I think you are going to have some good means of measuring that.

Kevin, Jim, and others have talked about the need for resources. Now different people are going to have different attitudes about what needs the most resources, when and how.

I share, Jim, with you the thought that military bases are a place for immediate creation of at least modular units so that you can send a signal to the criminal element that if you commit the crime, we have a place to put you and you are not going to escape punishment because somehow the State or the Government does not have the ability to put you away.

I think if we are going to fight a war, we ought to have emergency facilities to take anybody off the street who ought to be off the street for incarceration. Now some people need incarceration and treatment. Some people need to be incarcerated no matter how badly they need to be treated. Other people need to be treated and hopefully that will limit the incarceration. There is no reason why you cannot also have emergency treatment within those kinds of confines.

I tell you something. When you fight a war, you are going to have prisoners of war, and you are going to have casualties of war. Right now, all we have are victims. Everybody is a victim. Society is a victim, the victim is a victim, and the process is simply not working.

If we are going to be serious on the war on drugs, the one lesson that was one of the first I learned in law school is if you are going to have deterrence, you have to have swift and certain punishment. Unless we have the ability to take those people off the street, we do not. So, I buy that. You are absolutely on target, and that is a good suggestion. That is one of my measuring sticks for next Tuesday. Are they serious about the emergency space in order to send an immediate signal?

I will tell you something. When criminals begin to realize that the joke is over, that they cannot just walk in with a bag of cash for bail and not be responsible and that they cannot just walk out and suddenly slip out of the country and then there is a new guy who comes in to replace them, then I think the ethic is going to begin to change. Now that is one of the critical ingredients, obviously.

I would like to know from each of you what are the key things that we as legislators ought to be looking for and what are the sort of benchmarks by which we are going to be able to say now we are serious. What do you feel are the critical components by which you are going to be able to do what you think is going to make a difference?

Chief, what about you?

STATEMENT OF ROBERT CHAMPAGNE, POLICE CHIEF, PEABODY, MA

Mr. CHAMPAGNE. Senator, just for the record I could echo the sentiments of everyone here on the need for local funding. We have limited resources, but certainly more in total than the Federal Government has altogether.

I would suggest to you an approach, Senator, that would be one of a task force approach where we have local judges, local prisons,

local task forces that are there with money being provided in some fashion from the Federal Government for swift and sure punishment.

I would agree with you that the time for talk is over, that the plan is in place, that it is there and can be implemented if we are——

Senator KERRY. When you say the plan is in place, what do you mean?

Mr. CHAMPAGNE. There are a number of plans that are in place, some in conflict. I would agree, as I said initially, that the plan is for swift action and sure action. The key here is action. We can talk. We can do whatever we may, but the key to this thing is action.

I think we have men that are willing and some resources that may be available to us. I think it really has to come down to the local level, and I think we ought to take the special approach here. We have judges that are knowledgeable. We have courts that are in existence. We did it with traffic years back. We can set up drug courts, drug prisons, drug prosecutors, and drug police officers. That is what we ought to do if we are serious about this war.

I think action is the key, and today is the day.

Senator KERRY. What is the most important thing to you in terms of action? What are the key ingredients of action? What do you want to hear the President say?

Mr. CHAMPAGNE. I want to hear the President say that he is going to provide the resources and the funds for local departments to deal with local issues to respond to the needs of the local people and their concerns. If the people in my community come to me and say, "Chief, we are having a problem in this particular neighborhood," I want to have the availability of the resources and the manpower and the money to pay for it to eliminate that problem.

I want to know that once my job is done, as a police officer, that there are resources there within the government that will carry on that task, be it the prosecutors, be it the judges, and be it the prison space.

I do not think that we have a prosecutor in Massachusetts who is not willing to give his 100-percent effort to put these people in jail, and I do not think we have a judge in Massachusetts who is not willing to put these people in jail. I think there are several places in Massachusetts that we can put them if we decided to make up our minds to do that and to take that action.

Half measures will do us no good, Senator. Half measures will do us no good whatsoever. Thank you.

Senator KERRY. I agree with that.

Chief Finnegan.

STATEMENT OF JOHN FINNEGAN, POLICE CHIEF, BEVERLY, MA

Mr. FINNEGAN. I agree, Senator, with almost everything that has been said here.

I think what has happened is that people have lost faith in their local police departments. The police department, especially a local police department, should be a part of the community, not apart from it. As Ms. Torres says, people are frustrated. The police them-

selves are frustrated because of a lack of resources. The bail situation is terrible.

So, as a result, over the years the police departments which should be interacting closely with the people in their community have lost the ability to do that.

Different laws have changed to allow people to use them to their advantage and be back out on the street dealing very quickly. The community does not understand that. They see the police officer out there in the street incapable of dealing with their problems. Very often, that creates friction with them.

So, I have heard a lot of good ideas, but the ideas have to move and the action has to come and the money has to make its way through the Federal and State bureaucracy down to the local level. We have to make our police departments part of the community again.

Senator KERRY. Do you need more men?

Mr. FINNEGAN. I think in some cases some departments do need more men. It is something that is going to have to be dealt with on a case-by-case basis. Some departments need more equipment. Some departments need better trained officers. Each community has a little different part of that war that they have to fight.

Senator KERRY. Now let me ask you the tough question. Maybe one of the mayors will want to deal with this.

The system historically in Massachusetts was that property tax pays for local efforts, and that was the system historically until proposition 2.5 when that began to be supplanted by the State.

The very communities that say clean up our streets, take away our drugs, give us more cops, we need protection, are unwilling to override 2.5 to pay for it.

Is it or is it not the local responsibility, or do we change that now? Does this mean you have to change the question of local responsibility, or do the local communities have to pay for the cops on the streets and the effort to clean up?

Mr. FINNEGAN. I think that you are right. Perhaps a mayor would be better qualified to answer that question, but I think that at the Federal level you are realizing now that we are at war. We have known that for a long time.

So, regardless of how this war is funded, I think that the consequences of losing it are just too grave. We have to get our act together. We need cooperation at the State and Federal level to get the funds down to the local level.

Now how that is addressed is probably a political question. Maybe it is better answered by somebody else. I can tell you as a local——

Senator KERRY. The bottom line, what you are saying to me as a chief, is that your job is to carry out the protection of public safety.

Mr. FINNEGAN. That is correct.

Senator KERRY. You need the resources to do it. Whether it is the mayor or the Governor or the President, you have to have those resources.

Mr. FINNEGAN. Right. We have to have them, and we have to make our police departments part of our communities again. People have to have faith in their police department when they

call them that something will be done, that these people will be kept off the streets.

Senator KERRY. Mayor, what do you think?

STATEMENT OF HON. TED PELOSI, MAYOR, HAVERHILL, MA

Mr. PELOSI. Senator, I would like to make this observation. I do not think that our ability in my community to wage war should be limited by the availability of funds. If I am going to wage war in Haverhill, that has got to be a coordinated effort.

District Attorney Kevin Burke I think optimizes the funds he has available for a task force, but if you push them out of Lynn and you push them out of Lawrence, they are going to come to Haverhill. It cannot be done on a step-by-step basis. It has to be a coordinated effort.

My inability to be able to fund a participation in a task force should not leave my community at risk. So, I think that what we are seeing is that if the war is going to be defined, we have to have enough troops to wage that war and enough supplies to furnish those troops. It has to be a coordinated effort because all we are going to do is push them from one community to another.

We cannot wait until it is going to be our turn to participate, and we cannot wait until we have enough funding available. What I am suggesting, Senator, is that this is a war that involves not only Haverhill, not only Merrimac Valley, not only the Commonwealth of Massachusetts but the entire Nation.

We have discussed a bit today about whether we are going to do demand reduction or whether we will look at the supply side. I guess in economics we can debate that forever, but in this war these are two things that have to be dealt with simultaneously. Although the reality is that we fight it on the streets as a demand problem, the emphasis cannot be taken away from supply.

So, I say "No." I can appreciate that my chief and other chiefs have to operate within the financial and fiscal constraints that we impose upon them, but that should not be a measure of just how serious we are.

The No. 1 problem in my community has been identified as drugs, but as has been said here today, I think there is some lack of public confidence in what we are doing because they see people come back into the same house selling drugs. They see someone taken away and someone come back in and take their place. I do not think people want to know that drugs are there because the laws are lenient or we are soft on the enforcement.

I think the message has to be, the public has to see, that people who abuse drugs and use drugs are taken out of the community and are not there to have further adverse effect.

So, I would say that it is all well and good to say that each community should override or each community should put a percentage of its funds, but the reality is there are not enough funds in a community to do that. What we are talking about is not a local one-community problem. It is a problem that transcends the boundaries of Haverhill. It transcends the boundaries of Essex County.

Unless we can wage this as a total war at the same time, simultaneously, we are not going to get any effect except to move that problem around, and we are not going to solve the problem.

Senator KERRY. Yes, Mayor Salvo.

STATEMENT OF HON. ANTHONY SALVO, MAYOR, SALEM, MA

Mr. SALVO. Yes, Senator. I just want to say we talk a lot about these global problems that we have, Afghanistan, communism, South Africa, and so forth, but the greatest problem in this country and probably in the whole world is drugs. As we all know, it is public enemy No. 1.

The way to attack it, of course money helps, but I do not think money alone is the solution. You have to set up programs. I agree with Mayor Pelosi that it is a national problem and it should be attacked nationally with every community doing their share.

The main thing is we have to kill the demand. How do you kill the demand? I guess there are a number of ways. I think one way was mentioned by the district attorney. That was through education in kindergarten through 12. I think probably the most important way of combating crime is you kill the demand through education.

Of course, enforcement is very, very important. There is no question about that, rehabilitation and all the things we have talked about. In my opinion, we should have a national curriculum and a structure on education throughout the school system and in the workforce, too, because, as you said, the workforce is being affected by drugs. Production is low in a lot of cases because people are out on drugs, and there is absenteeism and poor workmanship.

It affects every aspect of the American life and the quality of life in America. We have to get together, and it has to be uniform. It just cannot be this city doing its own and that State doing its own. We cannot do that. It has to be uniform throughout the whole country.

Until we do that, we could send all kinds of troops over to South America and bomb them out, but you know yourself that every time you catch 1 drug pusher or dealer, 10 others take their place.

So, the demand is there. You mentioned it, and I think everybody here mentioned it. The biggest thing you have to kill is demand. Once you get rid of the demand, you are going to get rid of the drug problem, but you have to have a plan and it has to be nationwide.

Senator KERRY. Let me ask either Chief St. Pierre or Bill if you want to contribute some thoughts, having put together your program over there. Do you have any results at this point or any sense of capacity of that kind of effort to have an impact?

STATEMENT OF ROBERT ST. PIERRE, POLICE CHIEF, SALEM, MA

Mr. ST. PIERRE. Senator, I think we are holding our own in the war against drugs in Salem. I am not saying we are winning the war in our neighborhoods where the war is waged from a local police chief's perspective, as District Attorney Burke said, to keep the quality of life in the neighborhoods. I do not think we are win-

ning the war, but I think we are holding our own right now to the point where the neighborhoods are still livable.

It is requiring a tremendous amount of resources not only on the part of the police department but also from the schools and other social agencies in the city. We need funding, quite bluntly, especially with the cuts in State aid.

I know the police departments are going to experience budget reductions. I know other police departments have taken hits in their budgets already. Right now, it is requiring an awful lot of manpower just to keep things livable in the neighborhoods. If we end up losing money from our local budgets, naturally there is going to be a reduction in the number of police officers I am able to assign to drug investigation and to patrol the neighborhoods.

There is no question, funding is important. Funding is important for educational programs in our school and for increased enforcement. We need the funding necessary for updated equipment, for training and for more men. We also need a uniform and coordinated effort on the part of the Federal Government, the State, and local policy departments in combating drugs.

You cannot forget the local cities and towns. The war on drugs in my opinion, has got to be waged in the neighborhoods. Neighborhoods are where our children are raised and our parents grow old. Interdiction is important, but the quality of life for our citizens is our biggest area of concern as chiefs, and in order for me to keep that quality of life at hopefully a high standard in Salem, we need funding to put more and better trained police officers in our neighborhood streets.

[The prepared statement of Mr. Salvo follows:]

STATEMENT OF ANTHONY V. SALVO, MAYOR, SALEM, MASSACHUSETTS

I would like to thank Senator John F. Kerry for organizing this hearing and allowing my distinguished colleagues and myself an opportunity to voice our thoughts and concerns regarding the effects which substance abuse has on our communities.

I would like to take this opportunity to provide information on several initiatives which I have undertaken in the city of Salem which have proven to be successful. I will also provide Senator Kerry with some indication of the resources that we feel are necessary to fight substance abuse in our community.

As mayor of the city of Salem, I preside over a community of more than 38,000 persons—56 percent are low to moderate income. It is imperative that we understand that a poorly educated youth from a low income household faces pressures which may lead him or her to believe that they have three career choices. Welfare, a low wage job, or the perceived glamorous and high profit drug trafficking business. We must work to educate our youth that this is not the case.

In 1988, in the city of Salem, 79 percent of the narcotic arrests involved drug trafficking, 50 percent of which were exclusively for the sale of cocaine. Statistics such as this make it evident that like most other communities, Salem must take immediate steps to ensure that the deleterious effect which substance abuse has on our community is thwarted.

In an attempt to combat this problem, the city of Salem has initiated several programs designed to reduce the demand for drugs. These initiatives have primarily centered on education and rehabilitation awareness programs. We have also increased the effort of the Salem Police Department in reducing the available supply of drugs through drug raids in cooperation with the Commonwealth of Massachusetts.

Specifically, we have formed the Salem citywide Coalition to Prevent Substance Abuse which is comprised of Salem School Department staff and concerned citizens who have implemented various programs to assist youths in resisting peer pressure. The three (3) stated goals of the coalition are to provide substance abuse prevention education to Salem's parents and youth, to develop substance free alternatives for

Salem's teens, and to enhance the communication between each of the community service agencies.

The Salem Police Department has also instituted various drug awareness seminars within the schools, and participates in various organized youth recreational activities.

Another successful program is the Community Liaison for the Homeless which provides a street worker who is trained in social service who offers counseling, referral and advocacy services for Salem's homeless, several of which are drug abusers. And finally, we have recently met with local civic and business leaders to discuss their potential involvement in expanding the existing drug awareness programs. It is my belief that the private sector must be involved to broaden the community involvement in this most important issue.

These are but a few initiatives that our community has undertaken and much more can be done—but we need the financial resources to do so. Therefore, I would like to support the appropriation of additional federal funds to combat drug abuse, trafficking and most importantly for increased revenues to be used for the establishment of broad based public education programs which will reduce the demand for drugs.

In addition, I applaud and encourage Senator Kerry's efforts to have the United States combat more effectively the international drug trafficking organizations which are responsible for transporting billions of dollars' worth of narcotics into this country annually. To do this, we must persuade our representatives to implement the initiatives and policies defined in the report of the Subcommittee on Narcotics, Terrorism and International Operations which will assist in eradicating narcotic trafficking in the United States.

In closing, I would like to state that funds which are used to reduce the demand for drugs are an investment in our most precious commodity—our youth—and this is an investment that pays handsome dividends.

Thank you Senator Kerry for inviting us here today, and for all your valuable efforts in leading the United States in the war against drug.

Senator KERRY. Bill, do you want to add anything?

STATEMENT OF BILL LUSTER, CITY PLANNER, SALEM, MA

Mr. LUSTER. Very quickly, one of the programs that you alluded to earlier, Senator, was the city of Salem attempts through the mayor's office to bring the business community into this problem. That has started very recently with an initial meeting 2 weeks ago.

What we tried to do was take advantage, not only of potential funding from the business community but also their technical expertise which may abound within their personnel departments and drug awareness programs that they may have in their businesses.

It is very early. The program has not been around long enough to show results, but we had a very successful initial meeting which we will be following up with an additional meeting in 2 to 3 weeks.

Senator KERRY. What has the response of the business community been? Have they been positive?

Mr. LUSTER. Very positive initially, and hopefully that will continue so that we can take advantage of their experience in dealing with this problem. We are continuously asking them not only for funding, but human resources as well. It seems as though this introductory meeting is going to be a good first step toward broadening this issue into a business community interest as well as just a public sector problem.

Senator KERRY. I would like to ask Mayor Sullivan. He has taken some creative steps here with respect to the welfare cards and so forth. Some people have wailed loudly about that.

I would like to get your sense of what kind of impact you have been able to measure from it and what you see happening.

Mr. SULLIVAN. We had the discussion on local dollars, and I agree with Mayor Pelosi that the war on drugs cannot be contingent upon whether the cities have a great amount of free cash on hand or not.

The economic sanction routine is tied directly to the welfare card seizure policy. In this country we do it all the time. We have a guy like Noriega, we have other countries, dictators who violate international law and civil rights, and this country puts economic sanctions on them. It is behavior modification using finances.

Frankly, there are agencies in Massachusetts that have not joined in this war against drugs. Fighting the war on drugs is not just a law enforcement responsibility. It is a social service responsibility. I think every aspect of government ought to get involved.

Just a couple of examples. We mentioned DEA and FBI. I do not think I was critical at first, but their cooperation with Lawrence has been a joke. It has been terrifically marginal.

The fact is that Lawrence is a city in Massachusetts. We are an incorporated city that also belongs to the United States, and it is a hub for drug activity. Yet DEA and FBI has ignored the city of Lawrence. Thank goodness we have the U.S. attorney's office which has helped us when we needed their help. The DEA and the FBI offices frankly have been of little or no help to the city of Lawrence.

Yet, Massachusetts continues to allow drug dealers to live in public housing, making it very difficult to evict anybody from a State-run project. It is not so with Federal projects. Why is Massachusetts exempt?

The RICO statute, why is it when we have a once-in-a-lifetime chance to get the FBI to make an arrest in Lawrence if that person can be convicted of major drug dealing that that person will lose his car, his house, all of the moneys associated with his illegal trade just because an FBI agent arrests him and if a local police officer or a State police officer arrests a different person for the exact charge he will not forfeit those types of assets just because a local or State police officer arrests him?

Those things have to change. I believe if you are convicted of major drug dealing or trafficking in Massachusetts or in this country, you should lose every single Federal or State benefit that currently is being given to you.

Again, I believe that the rich guy who is making a buck off this ought to be cursed and ought to be flogged at least economically as well as the person who is cloaking himself in poverty to cheat the system.

We have had cases where we have condemned buildings from major drug traffickers, and those individuals have been bailed only 2 hours later and went down to the welfare office and got an emergency voucher and was living right across the street selling drugs 2 hours later in the same neighborhood in which we arrested her.

Now the fact is that some of these agencies ought to ask why was your house condemned? Why were you arrested? There is no behavior modification at all taking place in the Commonwealth of Massachusetts.

If you talk to some of the INS officials, they will tell you some of their frustration. They are tracking down illegal Colombians, ille-

gal drug dealers coming in from all over the world, but yet in Massachusetts we read today we are giving out fake social security numbers to illegal aliens.

You have to talk to INS on this because they came to see me 3 months ago, and they could not believe that Massachusetts has made it much more difficult for a Federal agency to not only keep illegal aliens out but perhaps the drugs that illegal aliens might be bringing into the Commonwealth. Yet Massachusetts is doing this, another government agency.

That is what I mean about economic sanctions. The Federal and the State governments must begin to hold up these dollars—$3 billion was spent on the welfare department and billions of dollars are being spent on human service. We ought to, I think, put economic sanctions on people convicted of drug trafficking; yet, we do not do it. We pay for their defense, we pay for their room and board, we pay for their rehabilitation, we pay for everything; yet, we pay little attention to the victim. That is the whole drive behind the welfare confiscation. For the first time in the history of this Commonwealth, the Massachusetts Welfare Department has got to be pulled into the system, and they must be shown that the small percentage, mostly general relief, are abusing the system, and welfare needs to take a stand as a government agency to say, yes, we want to join in that war against drugs with your police department and with these guys. They just do not get it. That is the whole drive behind them.

It is a small percentage because the majority of the recipients are law-abiding people who want to get off welfare.

Senator KERRY. Let me ask each participant for an opinion on this. Just very quickly I would like to run around.

The first question, should there be treatment on demand or can we tolerate waiting lists for those who want to be treated? No matter what the cost, should there be treatment on demand, or can you have a waiting list situation, or is there a priority?

Why not go around to each person. Chief, should there be treatment on demand? Yes or no.

STATEMENT OF DAN FASULO, POLICE CHIEF, HAVERHILL, MA

Mr. FASULO. I would think there would be. You would have to have it.

Senator KERRY. Mr. Mayor.

Mr. PELOSI. Yes, I would think so, Senator.

Senator KERRY. Mayor Salvo.

Mr. SALVO. Yes, I agree. They have to have it.

Senator KERRY. Bill.

Mr. LUSTER. Yes.

Senator KERRY. Robert.

Mr. ST. PIERRE. Yes.

Senator KERRY. Jim.

Mr. JAJUGA. Yes.

Senator KERRY. Mayor Sullivan.

Mr. SULLIVAN. Yes.

Senator KERRY. Mr. Burke.

Mr. BURKE. Yes.

Senator KERRY. So, everybody believes in treatment on demand.

I agree. I think you have to have treatment on demand. I think it is absurd if you think you are going to be waging a full war and have an impact. As people who have dealt with people on narcotics know, there is a special moment when somebody has come to the point that they are ready to get treatment. If they walk in the door and there are a lot of forms to fill out and people say come back in 5 weeks, we cannot take you now, the odds are that person is going to go out, commit a crime, overdose, kill somebody, do something, you are in trouble.

It is costly, very costly. Now let us assume you are going to do that. You are going to have adequate resources for counseling, outreach. You are going to have education kindergarten through 12, and I believe you ought to have kindergarten through 12. You have to begin there at least with responsibility education, ethics, principles. You do not have to mention the word "drugs," but you begin with taking care of oneself, giving people self esteem, and so forth.

So, let us assume you are going to do those things, plus better interdiction, and so forth because I think you have to do it on all fronts. We are talking big dollars.

My sense is President Bush is going to offer us something like an additional $1.5 billion, maybe $2 billion, on top of where we are today.

Today, the entire law enforcement budget for narcotics, IRS, INS, FBI, Customs, everything we do, grant programs, so forth, education, treatment, is about $6 billion. That is America's war on crime, whatever.

I suspect Bush may add $1.5 to $2 billion to that, which incidentally, if you look at last year's drug bill which we did not fund fully to $1.7 billion, if you add that to the $6 billion I just did, we are already at $8 billion. So, that may be the war on drugs.

Now if you are really going to do it, you are going to start talking about spending $15, $20 billion. I do not know. Let us assume that is what it is going to take.

Would you support revenue, taxes to pay for what it takes to do the job?

Let us begin with the mayors.

Mr. PELOSI. Sure. I would support working to get the funding to do that. Where you are talking about increasing our local taxes, I am not sure, Senator, that we could carry that load. That does not mean we should not try.

Senator KERRY. I did not say local. I am just saying suppose the Federal Government decides it has to find revenue and it does it through some kind of special tax or a surtax on income tax or something.

I am not recommending that. I am not saying it has to happen, but would you find the revenue? Would you say no matter what happens, we have to find it?

Mr. PELOSI. I think we do have to find the revenue, Senator, because we are dealing with people who have resources on the other side which are unlimited. There are people walking around with suitcases full of money, and we are trying to wage a war with 5 and 10 cents.

If we are serious in waging that war, then we have to have the funding that is necessary. What the nature of that funding would be I think we should sit down and work out.

Mr. SALVO. Yes, I agree, Senator, that the Federal Government should come up with some way of raising revenues to provide for the war on drugs.

Senator KERRY. Mayor Sullivan.

Mr. SULLIVAN. I would support some type of revenue initiative if it could be targeted toward the drug effort, earmarked.

I would also support again giving local governments and State governments the ability to confiscate more of the assets from drug dealers to halve a self-sustaining drug initiative. Right now that is not really allowed. We are not getting the amount of money we should.

So, I would support more revenues from the Federal Government in terms of any type of enhancement as long as it was geared toward drugs.

Mr. BURKE. Frankly, I see a danger in a strategy which calls for additional revenue from the Federal Government or from people for the Federal Government.

I cannot understand why we cannot get funds for the war against drugs from a Federal Government that has already proven in the HUD scandals that it will be able to waste millions of dollars and that is continually creating wasteful, inefficient, and unworkable weapons systems.

I mean, we are talking about the Harrier-type of aircraft that the Marines want, $26 billion, the Stealth aircraft which has been cut down to I guess 10 copies but $500 million per copy at least.

Let me send a message to Washington through you, Senator, and that is we in Massachusetts will give up our Stealth bomber if you agree to put it into the war against drugs.

I am frightened that if the President is allowed to say that I can only give you money to fight drugs if you are willing to raise revenue, those people who live in the relative safety of some suburban environments and those voters who do not feel the impact of the drug dealer on their doorstep will not vote for that kind of proposal.

So, I think that the Federal Government has an obligation both in its Defense Department budget and in its other budgets not only to find extra money but to find the waste that already exists, and I do not think that we should be forced to accept a viable war on drugs only if taxes are raised.

You give me a little while with the Defense Department budget, and I will come up with enough money to make a real war on drugs.

Senator KERRY. Let me just say that I agree with the notion that we ought to be looking elsewhere first. I am just trying to get to a bottom line that there is no question in my mind.

Let me just tell you that a week before we left the Senate I told my Democratic colleagues that I was going to go to the floor. We had about four different funding mechanisms for a narcotics bill. I said, "If we cannot agree on this in our caucus, I am going to go to the floor with an amendment to take Star Wars and make it Drug Wars, $500 million, just a part of it out of a $4.6 billion budget."

Now if I had my way, I would have taken a good $1.5 billion of it, but I wanted some votes to make it a real situation.

In the dead of night we tied up the floor of the Senate for about 3 hours and created a situation where, out of fear that my amendment was going to pass—and it probably would have—Sam Nunn from Georgia, who is chairman of the Armed Services Committee, put a second-degree amendment on mine saying an across-the-board cut of one-quarter of 1 percent in every program in Government in order to fully fund the drug war, and it passed 90 to 7.

So, the Senate made a commitment only when forced with the possibility of cutting Star Wars to fully fund the war by doing what? Taking one-quarter of 1 percent from every program in Government. This meant that in order to fully fund the drug war, we were going to cut the police, local, FBI, and everybody else one-quarter of 1 percent and then give them back the money in order to fight the war.

So, I am just telling you there are some funny attitudes down there that we are going to fight on this, but I am going to go back to Washington, I tell you, filled with a new sense of emergency and energy about this because I have never heard such frustration as I have heard from the top law enforcement officials of this State in 2 days, and I have 3 more days of this.

I am going to Worcester, Springfield, and Quincy, but I heard yesterday from the Attorney General of the Commonwealth, the Attorney General of Rhode Island, the U.S. attorney, the mayors of our southeastern cities and Providence, and now every single one of you have echoed what they said; a carbon copy.

We have a bankrupt criminal justice system in this Commonwealth, and it is not bankrupt for energy or for devotion or for commitment or for desire. It is bankrupt for lack of leadership that has provided money and jail systems that have been able to make the system work the way it is supposed to.

Every criminal in the street knows it. You are unlucky if you get caught, but if you do get caught it is the rarity if you wind up getting a long sentence if you get a sentence at all, and then they move you out in order to make room for the next person.

Whoever heard of a system that is supposed to be serious about justice where everybody knows that an 8-to-10 winds up being a few months or a year or so in prison and they cannot even confiscate all the money that you made so when you get out you have a $1 million trust fund waiting for you? If you do not care about your resume because you are not looking for a legitimate job, that is not a bad way to look for retirement.

What we have to do is totally take away any incentive whatsoever for somebody to believe that crime can pay. It is that simple.

I agree with all of you, and I applaud your comments here. I am very, very grateful to you for your input, which I assure you is going to be very, very helpful in helping me at least focus on this but I think a lot of my colleagues also. I think you are going to get some action out of the U.S. Senate and out of the Congress. I think the level of frustration is going to be felt by most of the Members also. All of us will wait for Tuesday to see what the President does.

Unless somebody has something they want to add particularly at this point, I want to close off the formal part of the hearing at this point in time.

[Whereupon, at 3:05 p.m., the hearing was adjourned, to reconvene at 10:59 a.m., August 31, 1989, in Quincy, MA]

DRUGS, LAW ENFORCEMENT, AND FOREIGN POLICY

THURSDAY, AUGUST 31, 1989

U.S. SENATE,
SUBCOMMITTEE ON TERRORISM, NARCOTICS AND
INTERNATIONAL OPERATIONS
OF THE COMMITTEE ON FOREIGN RELATIONS,
Quincy, MA.

The subcommittee met at 10:59 a.m. in City Council Chambers, City Hall, 1305 Hancock Street, Quincy, MA, Hon. John Kerry (chairman of the subcommittee) presiding.

Present: Senator Kerry.

Senator KERRY. This hearing of the Subcommittee on Terrorism, Narcotics and International Operations will come to order.

We are delighted to be here this morning to talk about an issue that has unfortunately been talked about too much in the course of the last 10 years or more and about which it appears too little has been done.

Over the course of the last few days I have been holding a series of hearings under the auspices of the Terrorism, Narcotics Subcommittee here in Massachusetts as a continuation of hearings that we have held nationally in Washington not only about international impact on narcotics trafficking but also about the impact here in this country.

It is clear that the American people and nowhere more than here in Massachusetts, our citizens, are fed up with declarations of war that amount to nothing more than a word barrage. It is clear that the citizens of Massachusetts understand the difference between a real war on drugs and a war in which the ammunition that is used in that war is simply words.

Our criminal justice system, as I have heard from the Attorney General of Rhode Island, the Attorney General of Massachusetts, the U.S. attorney, mayors, captains and police chiefs and sheriffs is bankrupt. People who ought to be put in prison are not put in prison or are put in prison for less time than they ought to be because the prisons are overcrowded. That is another situation that we suddenly learned about today. It is something we have known about for years. It is something that judges have had to respond to for years. In a very real sense, both citizens and the Government are negligent, in that the protection of the public, which is what we are supposed to provide for, has not been provided for. As a consequence of that fact, criminals know they can run the streets at random or get back on the streets because there has been no re-

sponse by that system to be able to provide swift, uncertain punishment that provides for the length of incarceration that ought to occur in many cases.

Now that is not the only problem. Treatment on demand is not available. People who need to be treated who walk in somewhere have learned that they have to wait for weeks, sometimes months, to be able to be treated.

Now as anybody who knows anything about drugs today has learned, that is a special moment when somebody is ready to come in and get treated. If you lose that moment, they go back to the street and lose themselves or lose another citizen by virtue of their continued addiction. That is intolerable.

Here we are with an education system under pressure, and we are talking about educating our kids from kindergarten all the way through the 12th grade; yet programs are being cut to be able to simply educate the kids in the 8th, 9th, 10th, and 11th grades. That is inadequate if you are going to change the ethic of the generation.

Now the Foreign Relations Committee has been looking at this from the perspective of how to deal with this problem as a national security issue, and it is a national security issue. That has been brought home this week by virtue of what is happening in Colombia.

What is happening in Colombia is not divorced from what is happening in the streets of Quincy or the streets of Procton or any other city or town in this Commonwealth—80 percent of the cocaine that comes to this country comes from Colombia. If the Colombian cartel can take over a whole government, then they change the rules by which civilized society ought to exist.

That is why $65 million for Colombia is as important as our own struggle here, because they are part of the same struggle. You cannot fight it on one front alone. It cannot just be education. It cannot just be law enforcement. It cannot just be treatment. It cannot just be interdiction or eradication. It has to be an all-fronts war.

So, why are we here today? We are here today to hear from those people who are right on the front lines, who are seeing the consequences of this lack of war firsthand, whose energies and life efforts are devoted to trying to guarantee that we are going to be able to reclaim our streets, reclaim our communities and deal with a situation where almost 90 percent of the crime in some communities and no less than 60 or 70 percent in most communities are drug related.

So, we are going to hear, as we did yesterday in Lawrence and in Boston and the day before in New Bedford, from people who are immersed day to day in the frustration of trying to carry out what has been called the drug war.

As a veteran of Vietnam, I am particularly sensitive to the notion of troops in the field who do not get the tools or the strategy or the support to do what they have been told to do. In a very real way, this is kind of a second Vietnam because we have declared war, said we are going to war, sent a lot of troops out, cops who go out and risk their lives to deliver a warrant and perhaps take a bullet in the process of doing so without a strategy that says we are

going to win and without a clear commitment by the country to put the resources behind them or give them the tools to be able to do it.

I do not think we ought to desert troops in the field. So, I am going around the State in the course of these days, and I look forward today here in Quincy to hearing from the assembled panel what it is they think will make the difference.

Next Tuesday the President of the United States will articulate the drug strategy, and I am hopeful it will be a full-fledged strategy and will give him the full benefit of the doubt and capacity to announce that strategy.

What I want to do is know from all of you what it is you think we can do in Washington and ought to do in Washington to guarantee that this time it is not rhetoric. I want to hear from you what it is you feel will make the real difference in the prosecution of a full-fledged war that will permit us to achieve the goals that we have set out for ourselves, which are obviously to reduce the crime and fear in which people live and to reclaim our streets and communities and to restore a sense of values by which we all know this country can live and ought to live and has lived in the past.

I am delighted that I have as members of this panel both friends in college and government but also experts, people who really have been dealing with this issue for a long time and understand what is involved.

Bill Delahunt and Bill O'Malley are district attorneys I had the pleasure of working with when I served as First Assistant District Attorney in Middlesex County. They have been a long time at this. Both run excellent offices and have an enormous knowledge, I think, to share with us.

Peter Flynn, also a friend, and Cliff Marshall, likewise sheriffs, both of whom deal with prison systems that are antiquated and overcrowded, under court order sometimes and recognizing that they respond to the court orders of Boston and the other needs of a system that is overcrowded.

Capt. David Rowell of the Quincy Police, who understands what it means to be one of the troops on the front line.

Lt. William DiCarli of the Brockton Police Department, who fills that same kind of role in the front line.

Lenny, who is a convicted drug dealer who was incarcerated and currently lectures on the high school circuits about the dangers of drugs and is affiliated with Sheriff Marshall's drug education program.

I would like to acknowledge that City Council President Patricia Toland is here with us today, as is Senator Paul Harold. We thank them for their concern and their presence here during the course of this hearing today.

At this point I would like to turn the hearing over to each of the participants. What we would like to do is really limit to a certain degree the opening statements, though I would like you to respond and feel free to just articulate what is on your mind.

Then perhaps we will have an open dialog in which we have an exchange and a discussion about the implications of a real drug war and what is at stake for all of us.

Let me turn first of all, since we are here in Quincy, the hometown, to District Attorney Bill Delahunt.

STATEMENT OF WILLIAM DELAHUNT, DISTRICT ATTORNEY, NORFOLK COUNTY, MA

Mr. DELAHUNT. Thank you, Senator Kerry. Welcome to Quincy, the City of Presidents. I was explaining to your staff that if they walked across the street they would be able to visit one of your predecessors on the Foreign Relations Committee, that being John Quincy Adams who later went on to become the sixth President of the United States. His father, John Adams, is also buried in the First Unitarian Church, which is celebrating its 350th anniversary here this September.

In any event, welcome to Quincy and welcome to the city council. Before I go on, I just want to acknowledge that there are other city councilmen here. In addition to City Council President Pat Toland, I see Councilman Mike Cheney and Councilman Jim Cahill.

Are there any other elected officials? Seeing none, let me say, Senator Kerry, on behalf of myself and my staff and, I am sure, many others in the law enforcement community, I think it is appropriate to say to you personally, "Thank you." Thank you not just for coming here to this city and throughout the Commonwealth of Massachusetts to hear about our concerns, but thank you for your continuing dedication and interest in dealing with clearly an issue that is foremost in terms of our priorities here not only in the Commonwealth but throughout the country.

I think we also should say "Thank you" to you, Senator, for making this a national priority. I remember several years ago when you started to reveal to the American public what was happening in Latin America, particularly in Panama where there is a sitting president that this Government supported who is now under indictment for drug trafficking and bringing drugs and cocaine into the communities of this country.

Thank you, Senator. You did one hell of a job, and I think he does deserve a round of applause. [Applause.]

You were waging that war, Senator, when people were dismissing that, when it was unpopular to discuss what was happening in terms of our Government and its support for drug traffickers. Hopefully, as you indicated in your opening remarks, that is going to be past us. Hopefully, on Tuesday we will hear something different.

In any event, Senator, congratulations.

I had to agree the other day with a statement made by the President of Colombia. It was very poignant to hear that man who has a government that is under siege. If we stop and think of that, it is just incomprehensible that an independent sovereign government is under siege by a drug cartel, that its very existence is threatened by a drug cartel.

To hear President Barco of Colombia plead with the American people, do something to help us, do something to help us in terms of your/our use of cocaine and other illegal drugs, it really struck me that not only are we destroying ourselves but we are destroying

other nations and other peoples in this world by our consumption of cocaine and other illegal narcotics.

He was right, Senator, when he said as long as there is a demand there is going to be a supplier. Your references to education are well taken. I think what we have seen over the last 4 or 5 years with the Governor's Alliance Against Drugs here in this Commonwealth is a very positive note. I think it will make a difference, but it is going to take time. I think those of us who are in the front line, as you say, understand that.

I suggest to you that if we are going to do something that has an immediate impact in terms of the demand side of this horrendous problem, efforts have to be directed against the user. I do not think it is any secret to the public and maybe they are not unaware that there are very few arrests made in this Commonwealth, in this jurisdiction, anywhere in this country I dare say, for the use of marijuana or for the use of cocaine or for the use of any particular drug.

We are inundated. We are going literally 24 hours a day in terms of dealing with dealers, with sellers. We do not really have time, but we will make time to deal with the user if we know that there would be an impact.

I suggest to you that you will hear from the sheriffs today, both Sheriff Flynn and Sheriff Marshall, that their jails are totally overcrowded, overcrowded with dealers.

My own sense is that if short-impact sentences were meted out to drug users in our communities—I am talking 1, 2 days, 1 week—it would deliver a message that we are very, very serious about reducing demand. My sense is that those who indulge not on a continuing basis, who are nonaddicts, who are so-called recreational users of drugs, will get the message.

We had an impact, and that has been proven statistically here in this Commonwealth in terms of drunk driving, and I think we can do the same in terms of drug use, impacting that demand side. I think we can do it by saying if you are going to use drugs, you are going to pay a price. You are going to pay a civil penalty or you are going to go to jail. Maybe it is just overnight, but you are going to go to jail.

Senator, we have no place to put users, let alone dealers. I would ask you to inquire of the Bureau of Prisons and of any other Federal agencies and consider a program whereby narcotic traffickers that are incarcerated within our State institutions, within State institutions all over this country be housed in Federal correctional facilities or that military bases be utilized for the incarceration of those who sell or traffic in illegal narcotics.

Let us use our facilities at the State level, let us use our county jails and houses of correction for the population that they were intended to target, those whose criminal conduct is of a misdemeanor in terms of its nature.

What has happened or what will happen, I would suggest and I would hope, is that if there was a coordinated effort between the Federal Government and State governments, if the users of narcotics were sent that clear message that there was a penalty and that there was a price, at least maybe there would be an impact on that demand side because President Barco, in my judgment and in my

opinion and in my experience, is correct. As long as someone is using that drug or using these drugs, there will be someone there to profit from it.

Our county task forces and our police departments continue and can continue to deal with those who sell narcotics, but when we effect their arrests, when we prosecute them and when we incarcerate them, before they get to jail there are groups, there are individuals there to meet that demand.

So, that is one suggestion that I make to you, Senator. I hope that you would consider it.

Again, let me conclude by saying thank you for your outstanding efforts in dealing with this issue that impacts all of us.

Thank you, Senator. [Applause.]

Senator KERRY. Thank you very much, District Attorney Delahunt. I know that District Attorney O'Malley is working under some schedule constraints which I have only complicated, and I apologize for that.

Let me introduce the District Attorney of Plymouth County, District Attorney Bill O'Malley. [Applause.]

STATEMENT OF WILLIAM O'MALLEY, DISTRICT ATTORNEY, PLYMOUTH COUNTY, MA

Mr. O'MALLEY. Thank you, Senator. As a former prosecutor yourself, you well understand that law enforcement has never been more successful than it is today in dealing with the problem of drugs and has never been a greater failure than it is today.

The prisons are overcrowded. None of them went there voluntarily. The fact that we have strained the capacity of the houses of correction and the prisons to the point of bursting is a true measure of the success that the police have enjoyed in their efforts working at the street level in the neighborhoods. It is a true measure of the success that prosecution has enjoyed in prosecuting those cases and turning an arrest into a conviction.

Yet, the problem of drugs has never been as great a problem as it is in our society today.

One of my duties and responsibilities is to be contacted every time there is a death in Plymouth County that is either the result of violence or is suspicious. That means that every year 10, 12, or 15 times I am contacted when a young person, a teenager, or a preteen, is dead.

We find that there are drugs in the system of almost all of those children. Some of those deaths are accidental. They are the result of overdose. Some are on purpose, and they are the result of suicide. What could so touch a young life, that the person would lose hope for a better tomorrow?

The plain fact of the matter is that as a society we tolerate the use of illegal drugs. We must maintain a vigorous law enforcement effort not in the hope or belief that if we can put enough people in prison that this problem is going to go away, because that is never going to happen.

We must maintain a vigorous and effective law enforcement effort because that is an expression of the seriousness with which our society approaches this problem, that we will deny the freedom

of a person who has contributed to this problem by putting them in prison.

This is also a public health problem. We have to make available the opportunity to be treated to those people who choose it. You cannot help a person against their will.

For the courts through the use of suspended sentences or probation to make an effort to bring people to treatment is, I am afraid, flawed as a concept because that person will say or do anything to avoid being put in prison and will participate unwillingly in a treatment program as an alternative to incarceration.

When a person chooses on their own to try to return some dignity to their own life, to try to maintain some control over themselves, at that point in time if we do not do everything that we can to encourage and to support that person, then we are failing in our moral obligation.

We have to mobilize every resource in our society to deal with this problem of drugs. We have to support the family as a stable unit within which children can be raised.

We have to address the reality that in this country we have gone from a time when 1 baby in 1,000 was born addicted to heroin or cocaine to a time when 1 baby in 100 is born addicted to heroin or cocaine or has those drugs in its system, to a time when 1 baby in 10 born in this country is addicted to heroin or cocaine or born with those drugs in its system.

As a society we have to be very, very intolerant of that fact. It is a large undertaking. It requires the involvement of the churches. It requires the involvement of the public health community. It requires the involvement of the education community. It is not a problem that is going to be resolved successfully in anything less than a generation's time. If we are not sincerely committed to that effort, we will surely fail.

What we see happening in Colombia is going to be happening right here. Make no mistake about it. Every single person who uses an illegal drug has a moral responsibility for what is happening in Colombia and has a moral responsibility for what is happening in this country.

Thank you. [Applause.]

Senator KERRY. The district attorney has to leave in about 5 minutes, so I would like to ask him a question before he leaves which I am going to ask all the rest of you, and I would like to maybe give you a chance to think about it a little more.

Next Tuesday the President will make his speech, and he will set out yet again a war on drugs, or we hope it will be one.

From your perspective and your experience and based on what you are confronting today, what are the standards by which you will measure whether or not what he offers us is in fact a real war? What are you looking for that you think are the minimum ingredients of beginning to really respond?

Mr. O'MALLEY. What we need is something more than a public relations campaign. At a time when all of the industrial States, including Massachusetts, very much are experiencing declining tax revenues, at a point in time when Quincy and Brockton and all the municipalities, cities, and towns are strapped to the point of breakdown with declining revenues, we need the commitment of money.

We have to approach this problem in our own families, in our own neighborhoods, in our own communities. This is a problem where the Federal Government has a very important role, but it is a problem that can only effectively be addressed by the people in the communities. So, Senator, I think that a fair measure of the probable success, probable meaningfulness of what the President will unveil shortly is the extent to which resources are made available to the local community.

Senator KERRY. Do you think that it would be helpful if there were a joint jurisdiction in a sense between Federal and State drug crimes so that any drug offense could have a prisoner diverted to whatever facility that was available and that we need to in a sense almost break down some of the barriers between jurisdictions that have created turf struggles?

Mr. O'MALLEY. Yes. There has been an enormous waste of resources, precious scarce resources in the form of a competitive approach at times to this problem, and we very much need a cooperative approach. The ability of the Federal Government to handle the overflow of prisoners in the prison system I think would be a very real tangible, concrete help to every State and every community.

The crimes that involve drugs are crimes both at the Federal and State level, and we have been lucky in Massachusetts. We have enjoyed a high degree of cooperation, but even within the Federal law enforcement agencies there is a fractionalization of responsibility that inevitably leads to a degree of competitiveness that is wasteful.

Senator KERRY. Let me ask you this question, and this will be the last question since you have to leave.

All of the Federal expenses today for narcotics enforcement through the various law enforcement agencies, the INS, Customs, FBI, DEA, your Federal prison process, your treatment, your education, everything we do federally today is about $6 billion of expenditure.

It appears that the President is talking about somewhere around a $1 something to $2 billion increase, so we might be spending $8 billion. That means there may be $1 to $2 billion to divide up among all the other needs that we just talked about, prison space, treatment, and so forth.

Do you think that you can do what has to be done to fight a war on drugs with an additional $2 billion?

Mr. O'MALLEY. I do not. I think that this is the single most important domestic issue. I think it outweighs and should be given a priority over everything else.

I think that that increase in resources would be welcomed, but I think it is no more than a downpayment on what is needed.

Senator KERRY. Is there any way you can prosecute a war on drugs by a downpayment policy?

Mr. O'MALLEY. No. The plain fact of the matter is that you need police officers to conduct the investigations. You need courthouses. You need, really, the resources throughout our system.

Law enforcement in a constitutional democracy is almost a contradiction in terms. We need the resources to do the jobs in the area of public health, education and, really, across the board.

Senator KERRY. I really want to thank you for taking the time.

Mr. O'MALLEY. Thank you very much.

Senator KERRY. Let me turn now if I may to begin with the sheriffs, and then we will go to the chiefs.

So, let me start with Sheriff Peter Flynn.

STATEMENT OF PETER FLYNN, SHERIFF, PLYMOUTH COUNTY, MA

Sheriff FLYNN. Senator, thank you very much. I think if I said ditto to what the first two speakers said, I could sit back and feel that what I have in front of me as testimony had already been said. I am not going to do that. I am not going to let everyone off that lightly.

Senator, you mentioned at the very beginning of your remarks, Vietnam and the fact that you are a veteran. There are people in this room who are veterans, people in this room who did lose people in Vietnam. Over 58,000 Americans died in the war in Vietnam, which averages out to about 6,800 people a year.

I tried to get the figure on the number of people who have died in America as a result of drug violence and drug use. No one has that figure. In any agency that we called, the closest figure that we could come up with was for those people who died of an actual drug overdose in the United States of America, and even this figure, we were told by the National Institute of Drug Abuse, is not a solid figure and certainly is very reduced from what they feel should be the actual.

They said about 6,700 people died last year of drug overdoses alone, about equal to the number of people that we lost per year in the war in Vietnam. This number does not include those who died in street fights and drug wars and stabbings and violence and crimes committed under the influence of drugs. Those figures would be in the thousands and be staggering.

What amazes me is the fact that the people of the United States of America have not gotten up and hollered and screamed as they did about what happened in Vietnam. The people of America put an end to Vietnam. It is going to take the people of America to put an end to the drug problem here in the United States.

I think if you want to look at it very, very broadly, it is a national priority. I think the President made a mistake. I think the drug czar should have Cabinet-level status. I think his job is certainly as important as the Secretary of the Interior. I think it is as important as the Secretary of Defense. That was not done, and I look forward in anticipation of what the President has to say this coming Tuesday concerning the drug czar.

I would just like to indicate a couple of areas of concern.

Prison overcrowding is well known to everybody in Massachusetts. I am not going to dwell on that.

The sheriffs of Massachusetts have not sat, however, and wrung their hands in despair because of the problems that have faced them. As a matter of fact, the sheriffs of Massachusetts have gone beyond just running jails because we know what the real answer to the drug problem is. That is educating young people.

The sheriff sitting across from me, your sheriff here in Norfolk County, was the one who started drug education in the school sys-

tems. Last year, we in the Plymouth County Sheriff's Department talked to over 19,000 young people about the problems their lives are going to have if they use drugs.

I think this is a very concrete thing that people can do. We did it with no money. We did it with volunteer and staff people using their own time. Every sheriff is doing the same thing. We are reaching thousands and thousands of kids each year.

We could do a better job if we had more money. If we had money for staff we could reach more kids and hopefully make an impact; but we are doing the very best we can.

This year, the Massachusetts Sheriffs' Convention is being held in Plymouth, and the theme of that convention is our war on drugs. It has a high priority with us, as sheriffs.

Senator, you took your time on a Saturday several weeks ago to meet with several of the sheriffs, and other people in the criminal justice system, in Boston. We talked about gangs and what could be done about street gangs.

One of the things that I am going to ask for your help with, on behalf of the sheriffs of Massachusetts, is not a unique or original approach to one of the problems that exist, overcrowding; that is, the boot camp situation. It is called boot camp. It is also called RID, rigid individual discipline.

Believe it or not, inmates sign a contract, and if they were going to go to jail for a year and one-half and if it is the first offense and a drug offense, then we would send them to an intensified treatment program which is based on Marine military discipline and real treatment for their problem.

We can take a bed that would be filled by one individual if he was doing a year, and utilize it for three or four people, depending upon the amount of time that we are going to put these people in shock incarceration.

There is money available now. Texas and New York both have submitted grants. The sheriffs of Massachusetts are going to be submitting a grant, and we would ask your office at that time, if there is any way you could be helpful to us, and I know you will, to please do so.

This falls right in line with what District Attorney Delahunt had to say earlier. We are also going to be looking for an underutilized or unused military base to provide the setting for the facility for this boot camp.

I think these are two constructive things. They alone are not going to solve the problem we have in drug abuse today, but if you are looking for concrete things that we can really do, can really make a difference, these are two areas—the drug education program and the novel approach called "boot camp."

I have put together extensive remarks addressing the questions that you asked the district attorney from Plymouth County earlier. I will leave those remarks with your staff. I have also put together and compiled every drug education program that the sheriffs in the various counties in Massachusetts are now conducting in their own counties. I will leave that information for your staff also.

I would simply like to close by saying that I know of no one in National Government who has taken such an active role in the fight against drugs as you, Senator, and I appreciate that very

much. I appreciate the opportunity to say a few words this morning. [Applause.]

[The prepared statement of Mr. Flynn follows:]

STATEMENT OF PETER Y. FLYNN, SHERIFF, PLYMOUTH COUNTY, MA

Thank you, Senator Kerry for the opportunity to testify.

I would begin by stating that the greatest threat to our way of life and our nation is right here among us. It is drug abuse and the crime and violence associated with it. This scourge has the very real potential to destroy everything this country stands for: life, liberty, and the pursuit of happiness. All will be gone if we do not win the "war on drugs," and in spite of all the efforts which have been made to date, we are not yet winning the war. The question is, can we win it? I think we can—with a total national commitment. There are precedents: with national resolve this country won two world wars; we put men on the moon, and brought them back; and when the people had had enough of the Vietnam conflict, they ended it.

Think of Vietnam for a moment: 58,000 Americans were killed in that conflict. That is approximately 6,800 deaths per year in a war waged half way around the world. According to the National Institute of Drug Abuse, almost that many people—6,765—were reported as having died from drug abuse in 1988. The institute acknowledges that this is a gross underestimate because it only includes those cases reported where drug abuse is listed as the direct cause of death. A researcher at the institute told my staff this week that there is no accurate figure to include deaths due to drug-related violence or due to other causes brought on or induced by drug abuse, such as AIDS.

Recent polls indicate that the drug problems is the main concern of more and more Americans. The time for a national commitment is now. And that commitment must be for zero tolerance. Drug abuse in all its forms must simply become unacceptable—in every industry and occupation, in every town and city, in every neighborhood and school. Casual or recreational use must be held up to the same contempt as addiction, because it truly is part of the whole problem. We must eliminate the demand side of the economic equation which leads to illegal drug trafficking.

The leadership for a such a national commitment and resolve must come from our national government. The executive, legislative, and judicial branches must come together to support a total antidrug war footing with tough laws, necessary powers, commitment of resources and money—in short, whatever it takes to get the job done.

Of course, other national, international, economic, social and health concerns must also be addressed; but the war on drugs must receive at least equal priority because illegal drug trafficking and drug abuse heavily impacts each of these areas. The cost to our country in human tragedy—lost lives, suffering, and wasted potential, in diverted services and resources, and in criminal activity, is astronomical. By the end of this decade, the annual cost associated with alcohol and drug abuse will reach an estimated $229 billion according to the Robert Wool Johnson Foundation. In short, the drug problem impacts every aspect of our present and future lives. We cannot afford not to deal effectively with it.

So that is the first message I would deliver. The war on drugs must be given a total, top of the line, national priority and commitment. There is no greater, overriding, or more urgent problem with which we must deal as a nation.

How should the war be fought, and what are the needs, particularly on the local level? Obviously, our effort should be a comprehensive, multifaceted one, encompassing preventive education and deterrence programs, law enforcement and criminal justice programs, and rehabilitation and follow on support programs. Each of these exist in some fashion today, but they must be expanded and made more effective.

The sheriffs of this Commonwealth are totally committed to the education effort. Each operates or supports some form of brief summary of those programs with this committee. It is our goal to achieve a drug free Massachusetts. This is the theme of our annual convention which will be held next month. Our successes thus far have been realized with very limited resources and largely volunteer help. We could do much more if funding were made available. The sheriffs also provide substantial drug education and counseling programs within our correctional institutions. In my own institution, which is not typical, 85 percent of the inmates have histories of substance abuse. The recidivism rate approaches the same percentage. The county correctional system is supposed to be a community based rehabilitation incarceration program. If we are to reach, motivate, and help individuals to rehabilitate them-

selves and become productive, responsible members of society then we must do more and do it better. And to do that, we need more funding to hire enough qualified staff.

The Massachusetts Sheriffs' Association has for some time had a subcommittee, of which I'm a member, chaired by Sheriff John DeMello of Barnstable County, to study the implementation of a shock incarceration program, sometimes referred to as a Regimented Inmate Discipline (RID) program, or "Boot Camp," in Massachusetts. Similar programs are operating in other States, and assessments thus far indicate they are achieving some success. The Massachusetts sheriffs are committed to establishing such a program in this State and we have spoken with you, Senator, previously about this. Our committee is finalizing our proposal and we will shortly be submitting an application for federal funds from the U.S. Department of Justice through a drug grant program under the Bureau of Justice Assistance. I am informed that Texas and New York have each received $250,000 for their shock incarceration programs, and that this fall, probably in October, at least $500,000 is expected to be available for the establishment or enhancement of "RID" type projects. Senator, we would ask for your assistance in obtaining grant funds to establish a boot camp program to be operated cooperatively by the Massachusetts sheriffs on a regional basis. Second, we would ask your assistance in locating and obtaining space and facilities which may be available at a closed or under-utilized military installation where we may establish such a program at an economically feasible cost.

Rehabilitation and follow-on support programs beyond correctional institutions can be best addressed by professionals in that field, so I will forego any discussion here.

With respect to law enforcement and criminal justice efforts, I would call to your attention and echo the findings of a task force study conducted by the Boston Bar Association. The study addressed the response to the drug problem in the city of Boston, but its findings are applicable, I think, universally.

First, we need to do a much better job of coordinating the investigative, apprehension and enforcement efforts of all law enforcement agencies. The nature of illegal drug trafficking dictates that law enforcement efforts be fully cooperative, multijurisdictional enterprises. The trafficking and associated crime is; so must our response be. Second, we need to continue to move toward more "community policing." Law enforcement agencies cannot alone solve the problem. There simply is not enough manpower or other resources. A full working partnership must be fostered with our citizenry. Neighborhood, community and business groups working with law enforcement agencies can reestablish a climate of hope, public peace, and control which are necessary components to a successful war on drugs.

If laws are to be effective and law enforcement efforts successful, then violators must have an expectation of sure and swift punishment. This is not the case now; our courts are clogged with drug cases and proceedings drag on and on while defendants in may instances continue their illegal activities while awaiting disposition of pending charges. We must have more judges, more support staff, more courtroom space to enable us eliminate this logjam, mete out sure, just, and timely punishment, and restore public confidence in our criminal justice system.

Finally, we have to solve the shortage of bed space in our correctional institutions. The primary problem in corrections nationwide is overcrowding, and the Massachusetts system—state and county—has the dubious distinction of being the most overcrowded in the country. At several of our county institutions, court ordered population caps are in effect, with the ludicrous result that often inmates sentenced to mandatory sentences for violating laws relating to a legal drug, namely alcohol, are retained in custody, while those charged with much more serious and violent crimes associated with illegal drugs are released to the streets, simply because there is not enough space to hold them in a constitutionally acceptable manner. This undermines and defeats our whole effort and purpose, and demoralizes everyone involved—the law makers, the officers on our streets, the prosecutors, the courts, the corrections officials, and, most importantly, our citizens, who are after all, the ultimate victims of illegal drug activity and its associated crime and violence.

We need to restore confidence in our nation, safety to our streets and neighborhoods, and peace of mind to our citizens. To do that we must win the war against illegal drugs. We look to our national government to provide the leadership and commitment, and the allocation of funds and resources, necessary to help our people to carry out their resolve to solve this problem and save our country. Throughout recorded history, great civilizations have declined in the final analysis due to destructive internal forces. History must not record that we failed to recognize and eliminate this destructive force which is tearing our country and way of life apart. We owe an ultimate effort to our forebears and our heirs.

Thank you for your attention.

Barnstable County

Sheriff John F. DeMello has established a Juvenile Task Force and hired a youth program coordinator. Both devote a good portion of their time to substance abuse and ways to combat it.

Preschoolers and those in elementary school get a chance to talk with Deputy King, a remote controlled, radio-voice operated robot. Staying clear of drugs is always high on Deputy King's agenda at these school forums.

Sheriff DeMello also makes sure older youngsters get the message. His "Inside Program" brings teens to the house of correction and jail in Barnstable County for a tour and a talk with inmates there. The subject invariably turns to alcohol and drugs and the role they played in landing the inmates behind bars.

"Inside/Out" is similar except that the inmates visit the youngsters in school instead of the other way around. After these sessions, a youth information specialist from the sheriff's department is available to provide crisis counseling or referrals to those youngsters who may need it.

Other youth programs and panels that address substance abuse, among other things, include Youth Leadership, the Cape Cod Youth Council, and "I Care," a program that attempts to identify and help potential delinquency early on.

Sheriff DeMello also has a drug information bureau that makes pamphlets and audio-visual tapes available to school and community groups at no charge. He also runs a Youth Ranch, which gives Barnstable County youngsters from 8 to 16 the opportunity to enhance their sense of self-esteem by working with ranch horses.

Berkshire County

Sheriff Carmen C. Massimiano, Jr., has established an omnibus Offender Treatment Program, designed to help inmates lead substance abuse-free lives by tapping into a whole range of individual, family, and community support programs.

Emphasis is on early identification of the impairment and reentry into the community once an inmate's sentence is completed. Sheriff Massimiano has built an effective program because he has included each of the key components of substance abuse treatment; intake and assessment, individual and family counseling, group counseling, job development and placement, and after care planning and referral.

The Offender Treatment Program begins when an inmate and members of the human service staff decide which treatments would be most effective. Usually group sessions are the first step. They include addiction and substance abuse education as well as Alcoholics Anonymous and Narcotics Anonymous meetings.

The next step is often family and individual counseling, under the direction of Sheriff Massimiano's clinical director. The focus here is identifying specific substance abuse problems, setting attainable goals, and establishing contact with community agencies that are in a position to be helpful.

The final step is after care coordination, which is initiated once the inmate enters his final 6 months. Job interviews, job referrals and housing assistance—always among most pressing needs for soon to be released inmates—are arranged.

Bristol County

Sheriff David A. Nelson has been waging war against drugs and substance abuse since 1983, before the issue was making headlines but not before it was taking its toll on individuals, families, and society.

The sheriff has instituted a number of programs well known throughout his county by their imaginative acronyms.

"Project SLAM" (Students Learning A Message) began 6 years ago. Students visit the house of correction in Bristol County and see, firsthand, how drab and restrictive a life in prison can be.

"Project SAVE" (Students Aware Very Early) is geared toward younger students, usually those still in grammar school. A representative of the sheriff's department and an inmate visit schools to explain why resisting peer pressure to take drugs is preferable to the consequences of succumbing.

"Project Straight TALK" (Teaching Adults, Loving Kids), Sheriff Nelson's newest antisubstance initiative, began a year ago. It is aimed at parents and helps them learn about the signs of illegal drug use so they can recognize them in their own children.

Sheriff Nelson has also helped members of the local law enforcement community with "Project DARE" (Drug Abuse Resistance Education), a program developed by the Los Angeles Police and since adopted by municipalities nationwide.

As Sheriff Nelson points out, "These programs have been designed and implemented in a way that shows the young people of our society exactly where drugs can lead them."

Dukes County

Sheriff Christopher S. Look, Jr., uses his Drug Information Bureau, established 22 months ago by state law, as a vehicle for most of his department's substance abuse enforcement and educational initiatives.

The deputy assigned to the bureau works closely with local schools and with the sheriff's substance abuse coordinator. The deputy also sits on the Subcommittee of the Governor's Alliance Against Drugs.

A Quest 2000 program, aimed at the county's entire school-age population, will begin this year and convey a strong antidrug message.

On the enforcement side, the Dukes County Sheriff's Department is an integral part of the Martha's Vineyard Task Force. A deputy assigned to the task force, working on his own time, is involved in virtually everyone of the unit's drug investigations. When needed, this officer is assisted by the sheriff's canine and his deputy partner; the dog is able to detect, by scent, both soft and hard drugs.

Approximately 20 percent of Sheriff Look's manpower is devoted to substance abuse and enforcement programs and that doesn't include the many hours deputies put in voluntarily.

The Dukes County media had already begun to take notice of the Sheriff's antidrug campaign. Local radio station WMVY recently ran a 2-day special series on the Drug Information Bureau. The local cable station, meanwhile, has devoted an entire show to Sheriff Look's efforts.

In all, he estimates between 5,000 and 8,000 individuals have been reached by the program; this in a community of just 12,000 year-round residents.

Essex County

The Essex County Sheriff's Department has been in the forefront of substance abuse education and awareness programs for 10 years now.

In 1982, on the threshold of community demands for firm and swift punishment for those convicted of drunken driving, Sheriff Charles Reardon instituted by Bay State's first alcohol awareness program for those incarcerated in county facilities. Department records show 1,100 inmates have since spent their entire incarceration in a productive treatment environment.

Many of the inmates have come back to serve as group motivator or guest speaker on the subject of alcohol abuse; this, says Sheriff Reardon, just goes to show that "a strong desire to seek a positive route to rehabilitation and recovery does exist—*if* the path is open to them."

Inmates and former inmates have also been regular speakers in the community, warning elementary, high school and college students that a life of drug or alcohol abuse can lead to at least part of a life behind bars. Inmates in Sheriff Reardon's minimum security correctional alternatives center carry the same message to civic and corporate audiences in Essex County.

As Sheriff Reardon says, "It is of primary importance that the future leaders of this country and this Commonwealth recognize that every prison has an identifiable drug-damaged population which is not now being treated.

". . . We, the corrections professionals of Massachusetts, are each day confronted with the realities of the drug war. This army of corrections professionals stand able and ready to join forces with those willing to offer real and effective treatment to every offender committed to our charge.

"We ask only that the government recognize the extent of influence prisons have on this unique population and direct the financial resources that will allow us to fight this pervasive enemy—drugs."

Franklin County

Sheriff Donald J. McQuade views the problem of drug and alcohol abuse as a multitiered problem. And he has taken appropriate steps at each level.

For inmates with addiction, he offers the hope of winning their own private war with drug and/or alcohol. Inmates meet every other week for education and counseling, and substance abuse is usually high on the agenda.

These sessions, which include video presentations, guest speakers and group discussion, are funded by the State Department of Public Health and provided by Beacon Clinic of Greenfield.

For youngsters not yet exposed to drugs, Sheriff McQuade offers a program to deter them ever taking that road. The 4-year-old initiative has brought department representatives into 11 Franklin County towns, where they show a film entitled, "How Do You Tell?" It focuses on peer pressure and alternatives to drug use.

It is available at no cost and shown to students in grades 2 through 6.

The sheriff's drug triad is completed by the crucial contribution his department makes to the county's enforcement effort. He has assigned two officers to the Franklin County Task Force, which helps develop profiles of drug suspects and carries out drug investigations, searches, and seizures.

Sheriff McQuade also plays an active leadership role on the task force. He has increased the panel's influence significantly by deputizing 14 local police officers, a move that allows them to exercise their law enforcement powers throughout Franklin County.

Hampden County

Sheriff Michael J. Ashe, Jr. has joined the attack against substance abuse at two key pressure points; where drugs have already led to incarceration, and where they have not.

Those inmates plagued by drugs and/or alcohol have the opportunity to undergo an intensive 21-day treatment regimen. In fact, they *must* complete the program before they can enter prerelease, where jobs, housing and other reentry needs are addressed.

Two hundred eighty inmates graduated from the program at the end of its recently completed first year. Says Sheriff Ashe: "Past studies have made it clear to us that unless an inmate addresses his or her substance abuse, other correction efforts can be undermined. We believe this prerelease substance abuse program is a valuable weapon in our fight against recidivism."

The sheriff's community education program carries the antidrug message to school age youngsters in a variety of ways. Students in the lower grades can count on a visit from one of the sheriff's substance abuse educators, often accompanied by a clown from the Shriners.

High schoolers get a special message about the dangers of drunk driving, timed for the late spring prom season. And this fall the general public will for the first time be able to view the sheriff's film series on substance abuse. It will be shown at the Western Massachusetts Correctional Alcohol Center, which like the house of correction and jail falls under Sheriff Ashe's jurisdiction.

Not surprisingly, the sheriff has accumulated a stack of complimentary letters from educators who have availed themselves of his community education program. Typical is this recent note to Sheriff Ashe from the principal of the John J. Duggan Junior High School in Springfield: "The program was informative and well received by the (160 ninth grade) students. I look forward to future cooperation in the education of our students about drugs and alcohol."

Hampshire County

Sheriff Robert J. Garvey is another Bay State sheriff who understands the destruction that drugs have wrought on our society and on our criminal justice system.

His institution's eight case managers help inmates struggling to overcome substance abuse. Many of the inmates avail themselves of twice-weekly Narcotics Anonymous classes and Alcoholics Anonymous classes, which meet *four times a week.*

Sheriff Garvey also employs a full-time clinician, working out of the multiservice health center in Northampton; his case load is entirely substance abuse related. The clinician provides individual and group counseling to inmates and also provides expert advice to the case managers.

The county's Deputy Sheriffs' Association likewise plays an active role in the fight against drugs and alcohol. The group is sponsoring a golf tournament this month, with the proceeds going to Students Against Drunk Driving. SADD will use the money in its ongoing effort to discourage alcohol abuse among young people.

Middlesex County

Sheriff John P. McGonigle's efforts to help substance abusers in his custody are built on the twin pillars of self-esteem and motivation. If you can instill or enhance

self-esteem, Sheriff McGonigle says, "There is at least a chance you will be able to spark some motivation."

Or, putting it another way: "Substance abusers at rock bottom, with low self-esteem are almost totally devoid of motivation and productiveness. You have to start there."

This low self-esteem/low motivation phenomenon is precisely the type of behavior the sheriff is working hard to turn around. How?

First, by building from the Narcotics Anonymous and Alcoholics Anonymous concept, something Sheriff McGonigle calls "the master plan of our effort." The dramatic expansion of these and related substance abuse programs at the Middlesex County Jail and House of Correction are evident in the numbers; 2 years ago the facility's inmates were reached by 600 treatment contacts per month; today that number exceeds 4,000.

Building on the NA and AA base, the inmates who are making progress on that front are then offered a range of work, educational, and training programs to take the rehabilitation effort to its next logical step.

Those inmates whose performance is exemplary have on numerous occasions carried the antidrug message beyond the prison walls to high schoolers in Middlesex County, the most populous in Massachusetts.

Concludes Sheriff McGonigle: "It is our belief that steps taken to maximize rehabilitation during the time of incarceration, in conjunction with drug-alcohol education, represent positive steps to benefit the 54 cities and towns of Middlesex County."

Nantucket County

Sheriff Bud Clute sends his inmates to the Barnstable County facility, so it only makes sense that he collaborate with Sheriff John DeMello, the sheriff there. Which is precisely what he does.

This spring, for example, he sent proceeds of a fund raising effort to Barnstable County, where it was earmarked for Sheriff DeMello's Youth Ranch. That program gives young people an opportunity to improve their self-esteem by working with horses.

Sheriff Clute is also collaborating with Barnstable County in its grant application to the Robert Woods Johnson Foundation, sponsors of a nationwide "Fighting Back" antidrug initiative. Those awarded grant money will be able to expand their substance abuse efforts in prevention, early identification, treatment, and after care.

The sheriff's department is also planning to publish and distribute an antisubstance abuse booklet to Nantucket County's middle and high school. The booklet will explain the dangerous emotional, physical, and social effects of illicit drug use.

Sheriff Clute also plans to distribute vinyl telephone book covers to residents of his island county. They will list various hotlines that can be called for substance abuse treatment alternatives or in case of a substance abuse emergency.

As Sheriff Clute puts it: "If we can save one child from becoming a substance abuser, we have saved at least one life. And that makes the whole effort worthwhile."

Norfolk County

If Sheriff Clifford Marshall is happy to see the new school year beginning, it would be hard to blame him. His drug and alcohol awareness program ("Inmate Speakout") is as much a part of the school day in Norfolk County schools as pencils, paper, and books.

The program, which sends inmates to schools to warn about substance abuse, has met with remarkable success in a relatively short period of time. More than 7,000 students heard the message loud and clear during the school year that ended in June. In 1 month alone (last May), more than 2,340 students from 13 public and private school's in Norfolk County got the word—straight from the inmate's mouth.

Department officials anticipate continued success this year, and with that remarkable conclusion to the 1988–89 academic year, it's no wonder.

"Inmate Speakout" has been successful in large part because Deputy Jim Wells spent countless hours of his own time to make it so.

Sheriff Marshall says bringing the antidrug drumbeat to area schools is important because "the real heroes in our war against drugs are those who never use them, those who do all they can to keep kids off drugs, and those who give kids the strength to resist temptation and pressure."

And what do the students who receive the message think about it? "Your stories were shocking and made me think twice about decisions I've made," writes Mark, a

Dedham Middle School student who last April heard inmates Bob and Vern tell their grim life histories. "Good luck, and I hope both of you come out clean and sober."

Sheriff Marshall hopes so, too.

Plymouth County

Sheriff Peter Y. Flynn is attacking the drug problem on both the supply and the demand side.

As with most of his fellow sheriffs, curbing demand starts inside the institution but certainly doesn't end there.

Inmates with a substance abuse addiction are encouraged to enroll in Alcoholic Anonymous or Narcotics Anonymous. Or, in cases of cross addiction, both.

Those who make headway in the battle against substance addiction can look forward to a wide range of educational, vocational, work, and training programs.

Sheriff Flynn's second initiative on the demand side of the equation is summed in two words—"Project Impact." This three-pronged program sends inmates into high school gyms and auditoriums, brings students to the house of correction for tours, and grabs their attention with a multi-media presentation entitled "Reach for the Stars."

The program reached more than 19,000 individuals in the 1988–89 academic year and has reached some 29,000 in the last 2 school years.

As noted, Sheriff Flynn has also been paying attention to the supply side of the drug epidemic. Deputies on his tactical team, joining forces with municipal police in Plymouth County to make up the Coastal Strike Force, have carried out a number of successful drug raids.

Last year, with the help of a German shepherd assigned to the sheriff's K–9 unit, Plymouth County deputies help uncovered more than $1 million worth of cash and marijuana hidden in a dwelling in Hanover.

The sheriff's department has also joined with the DEA to administer a marijuana eradication and suppression program in Plymouth County. The 4-year-old program, funded by DEA, has resulted in the destruction of hundreds of marijuana plants with a street value in the hundreds of thousands of dollars.

The DEA trained several sheriff's deputies in marijuana drug detection, and the two agencies go aloft together late every summer in search of illegal cultivation. Sheriff Flynn also maintains a drug hotline which citizens are encouraged to use to report illegal drug activity. Information received on the hotline is shared with other law enforcement agencies.

Suffolk County

Sheriff Robert Rufo also casts a wide net in his campaign against substance abuse.

For troubled youths, there is JAILBRAKE. Judges and the state's department of youth services will "sentence" young offenders to a 4-hour stay, or JAILBRAKE, in the Suffolk County Jail. They are not released into the general population, but they do wear jail clothing, eat jail food, tour the facility, and talk to inmates and counselors. They quickly learn about the blandness of institutional food, the lack of privacy, the boredom, and the reality of life in an 88 square foot cell.

JAILBRAKE began just over 2 years ago and since then more than 650 "inmates" have been "incarcerated." Sheriff Rufo decided to initiate the program after observing that the average age of real inmates dropped from 25 to 21 in just 10 years.

Near the other end of the behavioral spectrum are the fifth and sixth graders enrolled in Suffolk County's schools. Like Sheriff Nelson in Bristol County, Sheriff Rufo is attending to their need for an accurate and meaningful antidrug message by his participation in Project DARE (Drug Abuse Resistance Education).

For youngsters who are a bit older than that, the department sponsors Explorer Post 846. The post meets biweekly to tour the facility or discuss corrections and criminal justice issues. Members and their guests learn very quickly about the drug-crime connection.

Inmates, meanwhile, receive a range of substance abuse and related services. Among the accomplishments Sheriff Rufo points to on this front are Alcoholics Anonymous meetings in two languages (English and Spanish), forensic assistance from the State Department of Mental Health, and a pre-trial controlled release program.

WORCESTER COUNTY

Sheriff Mike Flynn has become a key player in central Massachusetts's battle against substance abuse in general and alcoholism and drunk driving in particular.

The sheriff encourages those in high school, juvenile offender programs, and the community at large to come in for tours of his facility. In that way, he is much like the majority of his fellow sheriffs.

But Sheriff Flynn is also attempting to help a much smaller group—convicted drunken drivers who have not yet landed behind bars but are getting extremely close. They are enrolled in nearby Rutland Heights Hospital's "2nd Offender—DUI Program." Inmates tell clients enrolled in the course what a life without freedom is like.

Sheriff Flynn has also instituted PADD (Prisoners Against Drunk Driving), a forum that allows inmates to spread the word about substance to a wider audience. Those who have heard the message include MADD (Mothers Against Drunk Driving) and those enrolled in first offender drunk driving programs and in area high schools.

Inside the facility, the goal is much the same. "We want to service as many clients within our institution as those who wish such service," Sheriff Flynn says.

Treatment includes Alcoholics Anonymous meetings, individual and group therapy sessions for substance abusers, and utilization where appropriate and as space allows at the Western Massachusetts Correctional Alternative Center in Springfield. The center accepts inmates from other central and western Massachusetts as well.

When it comes to substance abuse, then, Sheriff Flynn motto is simple. "To assist the community whenever possible."

Senator KERRY. Sheriff, thank you very much and thank you for your personal comments.

I would like to come back to you on the question of what is needed because that is really central to this hearing. What I would like to do is just run through each of the other witnesses first, and then we will come back to that if we can for discussion.

Sheriff Cliff Marshall.

STATEMENT OF CLIFFORD MARSHALL, SHERIFF, NORFOLK COUNTY, MA

Sheriff MARSHALL. Thank you, Senator. It is a pleasure for me to join with all of you and the public in this forum this morning.

I believe that the previous speakers have addressed the main issue. It is one that I think really has to be highlighted. I think that the President on Tuesday and the Congress itself must make a decision that was alluded to by a couple of the previous speakers. That is a direction that I think the public itself and the Congress and the President of the United States must make a firm decision on which way we are going to attack the drug issue.

Are we going to talk, as you have indicated, Senator, for so many years?

My experience has been in excess of 20 years in dealing with the problems that drugs have caused in our communities, our schools, and our families and, indeed, which continue to impact our correctional system in tremendous numbers.

Now we have a public sentiment developing that the war on drugs, if you call it that, is being lost and that now we should acquiesce our law enforcement responsibilities and begin to legalize certain drug offenses.

So, what we are really lacking at this point, I think, is a public and legislative and Executive leadership role as to what direction we are going to go. Are we going to just kid ourselves like we have

for the last 20 or 25 years and say we are doing all we can and lack the resources and funds to do what we really must do?

We know that lives are being destroyed each and every day. We know that there are minimal programs for treatment. We know that very few people who are trafficking in drugs today in our society and particularly Massachusetts really go to jail or are incarcerated.

As a matter of fact, I have in front of me a study that was done back in 1983 which indicated sentencing patterns for drug dealers in a Massachusetts trial court. Only 14 percent of the people prosecuted and found guilty for trafficking and drugs actually went to incarceration—41 percent went to probation, and the rest were either found not guilty, which is 1.9 percent, or nol prossed.

Those figures are staggering because in a study that was done in 1989 by the commissioner of probation called "Drugs and Criminals, a Dangerous Mix," 67 percent of the probation population has been identified as having a serious substance abuse problem, and 25 percent of them had a criminal record by the time they were 16 years of age and 60 percent by the time they were 19 years of age.

If you couple the probation statistics that indicate that 40 percent of the people on probation in Massachusetts today are illiterate, we are losing whatever we have attempted to do.

We know that the prisons do not have the space or the treatment programs or the staff. All of them are valuable, because, as Sheriff Flynn and both district attorneys indicated, when somebody says I am either old enough to get out of the system or finally I have had it, I want treatment, we must be able to provide that treatment. I would dare say that there are very few treatment places available for the numbers that have to be dealt with.

The indication that we receive in dealing with young people and I think one of the biggest impacts we can have is by working from kindergarten on up.

I remember a few years ago when the Governor's Anti-Crime Council, on which you served as the vice chairman and of which I was a member for a few years, were talking about dealing with drug education in the schools. Everybody talked about the middle and high school level. Really, the goal at that time should have been the kindergarten level.

I am sure Sheriff Flynn can indicate that some of our staff is here today who work in the schools and who classify the inmate residents when they come into the jails. We know that we have substance abusers who begin experiencing abusive substances at a very, very early age. Whether their parents go out and leave them or both parents are working when they come home, whether it is peer pressure or whatever it may be, these young kids are dealing with substance abuse at a very early age.

So, the education of those young people is very, very important, and we must have the funds to provide the proper educational manpower, the programs and the training at a younger age than we ever have before.

We feel very strongly that cooperation and commitment between existing law enforcement agencies is a critical aspect to the war on drugs. The district attorney's office and his staff have been working for many, many years on a countywide drug task force.

There are inadequate funds available for the State to provide the resources to the local communities that are so badly needed. I am sure the chiefs that are here today will indicate that they have officers that are known by everybody in the town. All the young people know them. What they need is outside investigators.

The tricounty drug task force provides a very valuable source because it is intermingling staff under one leadership role but providing extensive investigative resources to combat the drug dealers and drug pushers. That is important.

The funds have to be there, the overtime money, the buy money. All of those things are critical if we are going to be serious on the war on drugs.

Obviously the community resources for the younger people, whether it be teen centers or whatever it is, to enhance the down time of young people, not just sports but the arts and all of the things that are the total aggregate of the environment, must be provided for young people when both parents are working, when there is no supervision for young people 10, 12, 14 years of age.

There has to be perhaps moneys to keep the schools open later in the day, to run programs, to further educate them, to provide teen centers, to provide other types of programs for young people. They are our investment in the future.

I understand that the Federal Government is no better off financially than the State of Massachusetts is today, so the public is going to have to make a decision. It is going to be the public demand, the public support that is going to allow the legislative and executive branches of Government to address those needs and do it with your head held high and not looking behind closed doors and saying, "Well, we are just putting out a facade for everybody."

I think anything less than that commitment every single day would be considered to be proven failure.

Thank you.

Senator KERRY. Thank you very much, Sheriff, for that strong statement.

I think I will hold my comment until afterward, at which time I will comment on the question of funding that you raised.

I misspoke earlier. I did not notice as I walked in and sort of read from my sheet. The lieutenant is not here, but we have the chief of the Brockton Police Department. We are delighted that Richard Sproules is here with us.

STATEMENT OF RICHARD SPROULES, CHIEF, BROCKTON POLICE DEPARTMENT, BROCKTON, MA

Chief SPROULES. Thank you, Senator. In fact, I am on vacation this week. Lieutenant DiCarli called me, and I felt it important enough for him to have picked me up this morning and bring me here to represent the city of Brockton. I am sorry that my friend and colleague, William O'Malley, had to leave.

I am going to be very brief, Senator. Brockton was once a proud city. The lieutenant and I were talking on the way in. I mentioned to the sheriff this morning that I was from Brockton, and he said, "Oh, no, not Brockton."

Brockton is in trouble. Brockton was a great city to grow up in. I grew up there. It was like a big town. Brockton has changed and not for the better. Brockton is in trouble.

We currently have 19 positions in our police department that will not be filled. Today I am taking 15 people out of the station. We are talking about lab technicians, safety officer, neighborhood watch officer, all support programs. They are being transferred to the patrol division.

We have calls that are going unanswered. We do not have enough people to put in the cars. We are fighting a star wars with pitchforks, sticks, and slingshots. We are outgunned. They have better communications than we do.

I spent 15 years in the narcotics squad. Captain Rowell and I go back a few years in a number of investigations we have had. Things are not getting any better. They are getting worse.

Correct me if I am wrong, but I see $65 or $50 million or whatever in the Federal Government went to help one of the foreign countries. I would like to have $65 just to get a surveillance car.

We are hurting. It is the MM theory in law enforcement—manpower and money. I have people who are eager to do the job but, again, I have vacancies. I have one-man patrol cars when they should be two-man patrol cars. I was fortunate. I took a number of weapons where they were overpurchased through the years and traded them in. We have a 200-member department. I was fortunate enough to get 40 of the new 9-millimeter handgun pistols, the Glocks. That means there are 160 officers that are still carrying the antiquated .38's.

We are fighting a losing battle. We need the equipment, we need the manpower, and we need the money. I thank you for taking the time to listen to me.

Thank you very much. [Applause.]

Senator KERRY. Capt. David Rowell.

STATEMENT OF DAVID ROWELL, LIEUTENANT, QUINCY POLICE DEPARTMENT, QUINCY, MA

Lieutenant ROWELL. Thank you, Senator Kerry.

I am very grateful, first of all, for your inviting me to this subcommittee hearing. I am pleased to be here representing Chief Finn. In a sense I feel as though I have some feeling of humility. I represent a lot of the police officers in the audience whom I have worked with over the years, probably some of them for 22 years, on the drug problem at its very inception.

I glance across the way and see Dick Sproules. I have worked with him on many cases. I might say to Dick Sproules that the pride of Brockton will come back, and it will only be because of men such as yourself in Brockton that will show the way with your leadership.

I say that to all the police officers out here in this audience. In the communities that they represent they will have a definite input into the resurrection, if you will, of the communities that they represent.

I have worked with everyone out there. It has been an honor for me to work with them, and I know their dedication.

Senator, the thing that upsets me the most is what I read in the newspapers and hear on the televisions and radios about police officers being frustrated. I think I speak for every police officer present and those not present. I think most of them are not frustrated. I think they are aggravated.

The reason for the aggravation, I think, is because of what appears to be the total confusion that comes from the elevated sources that hand down the rulings or the decisions on the law and the interpretation of our blessed Constitution in the United States and the one we have here in Massachusetts.

I sometimes am at a loss as to how these learned men—and they are very learned men—come to their interpretations and their decisions. One only has to read the newspapers. Although the reporters today report in detail what has happened and what the results of the happenings are and the decisions that are made by our honorable jurists.

I am totally confused sometimes. It is very aggravating. I am not the person that is putting this forward. It has been put forward by much more learned law enforcement officials than myself and certainly by more articulate speaking law enforcement officers.

I think that the time has come for a uniform penal code throughout the United States and its territories to avoid this total confusion that is being experienced by the law enforcement community especially at the State level, and I speak for Massachusetts.

We have still in effect what is called the two-pronged test. In order to be able to reduce an affidavit to writing and in order to get a search warrant to be able to get a location suspected of drugs, we have to name the probable cause.

Federally, the totality of the circumstances has been allowed by the U.S. Supreme Court, which means that officers engaged in enforcing the drug laws can receive information from the citizens in their communities, set up surveillance and watch what is going on, and, due to their vast experience as narcotic law enforcement officers, get enough information from the observations that they make to be able to put together the totality of the circumstances and obtain a search warrant.

In this State, for some reason the Supreme Judicial Court in their wisdom holds to the Spinelli decision of the two-prong test and Aguilaw where we can get the information from a confidential informant, we can prove his reliability, and then we are stuck with that added prong of getting the basis for his reliability. That means, in effect, that the person or persons have to be inside of four walls. I have mastered, I think, most all of the techniques of law enforcement. I still cannot see through walls as hard as I have tried. So, that means we have to get people inside. Then we have to commit it to writing. We endanger that species of the person we call a reliable confidential informant to the point where his or her life is certainly put at risk.

I think a uniform penal code is the thing that must be worked upon now. I think it has to come, and it has to come soon so that the law enforcement people out there from the Federal, State, and local levels can all work together and work with the same law, enforcing the same law with the same type penalties instead of

having all these diversified penalties, decisions of all the different State courts.

I think it is time for Massachusetts to get in line with some of the other States, the majority of the other States, and get rid of some of these prohibitions, if you will, directed toward the law enforcement community as to how to effectively carry out their task of protecting the public, the whole public, not just part of the public.

I know you only gave me 3 to 5 minutes, and I probably would like to have about 3 hours to sit down and talk, and the gentleman sitting beside you probably knows better than anybody else that I sometimes get carried away.

Anyway, if it were not for the likes of the Bill Delahunts and the Bill O'Malleys, just to mention the two gentlemen present here today, we would not be in these two counties, Plymouth and Norfolk, anywhere near where we should be as far as effecting arrests of traffickers and drug dealers. An awful lot has to be said for both Bill Delahunt and Bill O'Malley and the manner in which they have approached this subject.

I think that it is well known by every single citizen, taxpayer, by the legislators in this Commonwealth especially, the feeling of the taxpayers as far as the bill they are paying. They are getting their heads beat and probably will get them beat in even more with the expenditures that are facing us as a civilized society today.

Law enforcement of especially the drug problem cannot go overlooked, and it cannot be the last item on the agenda to deal with. I am sick and tired of hearing that this is a war that is being fought in the trenches. In reality, I am in the trenches; and the officers out there who fight with me are in the trenches.

Trench warfare went out with World War I. A war fought from the trenches cannot be won. The losses on both sides are overwhelming. The side I am interested in, the law enforcement side, would be just completely devastated, to say the least.

Just look over the bridge into Boston and see what goes on over there night after night after night, the shootings.

Look at Colombia. You brought that out, Senator. Look at Colombia. I hope not, but it could be a preview of coming attractions in the United States of America and, indeed, in Massachusetts.

There is a worthy political person here today who once told me to leave the politicking to the politicians. I hope I am not sounding like a politician because I really do not think I could fit into that kind of a program.

However, I do know what the needs are in the law enforcement community. I have been out there for a lot of years. I know what the police officers need. I know we need the assets from the drug dealers right at this point in time.

I see movements afoot in communities adjacent to Quincy where city councils are making the mistake of attempting to recover some of the money seized in drug raids. I think that would be a serious mistake if, for instance, the city of Boston were to pass an ordinance which would take any of that money away from the district attorneys and/or the law enforcement community. We have put that money to great use. It is money that we would never have gotten from the city because of the fiscal constraints that are upon

us. It is dirty money, but it is out there and it has to be used for the right purpose.

I think that I speak for Quincy. I think in Quincy we have used it for the right purpose, and I think we have turned that money against them. All we need is to have some of those learned justices in the Supreme Judicial Court start to really take a view of what is going on around them and see how these constraints are hampering police efforts and, indeed, are in some cases making police officers bend the truth in order to get warrants.

It is ridiculous. It is foolhardy. It is nonsense. It is wrong. Nonetheless, it happens.

Another thing that was mentioned by Mr. O'Malley, competition within the agencies. This is something that has to be stamped out, the competition in the Federal agencies. The competition in the local police department and with the adjoining judges and police departments, the competition between State police, local police, metropolitan police, sheriffs, and everybody that is involved in this total war has to be eliminated. There has to be an answer, Senator. I look to you for leadership in answering that question. That is one of the most serious questions that must be addressed and answered.

For instance, if I am deputized as a Federal deputy marshal, U.S. marshal, and I go out and work with the DEA on a case, there are things that I can do because of Federal law that I cannot do because of State law. It is so totally ridiculous. It is about time somebody who is learned in the law, in legal matters, starts to look at this thing and say, "Hey, wait a minute, what are we doing here?" We are making police work so complicated that the policeman on the street cannot even do it any more.

When I see police officers at the scene of an arrest made by drug officers, uniformed officers standing out there in the presence of the defendants arguing about probable cause and who is right and who is wrong and what this court said and what this judge said, I shake my head.

What it means, simply stated, Senator, is that the police officers cannot do their work because they are becoming so confounded by the legal process that it is almost impossible for them to effect a decent arrest out there.

In closing, just to bring you down to the local level, I hate statistics. I think they sometimes have a way of lying. These are pretty good, I might point out. Why? Because I did them, and I checked them and doublechecked them.

In 1988 when we had a full-fledged drug unit in the city of Quincy, we made 67 cases with the officers assigned to that unit in plainclothes, 67 arrests. Now these arrests, I point out and underline, were arrests that dealt with dealing, trafficking, and drugs.

On the other side of the ledger, the uniformed officers that do an outstanding job out there with what they have to work with made 79 arrests ahead of the detective branch. I say this not with a competitive type of description or reasoning, but the reason for that is because usually out on the street those officers are doing the trench arrests. They are making arrests of people for possession or maybe sometimes maybe possession with intent to distribute where they have a certain amount on them. Most of them are possession

cases. The other cases by the unit are trafficking and dealing cases which I think is an important distinction here.

Now that 67 in 1988 by those officers assigned to the drug unit, in April 1989, the 25th to be exact, the chief of police in Quincy, because of fiscal constraints and because of other requirements and necessities of running a police department and policing the city of Quincy, had to make a decision whereby he elected to take some officers from the drug control unit. Those officers were placed back into uniform for a period of a few months, until October 2, he has assured me.

I am not up here to point the finger. I do not believe in fingerpointing. That is a lot of hogwash. The time for fingerpointing has gone by, and the time for work is here and getting at this problem. So, let us not for a moment think it is fingerpointing.

The mayor of the city has a job running the city, and he is governed by what money he has on hand and what he thinks is the right thing to do. Each one of us here if we were mayor would do the same as any mayor and maybe more than some mayors.

So, the problem is you have so much money to work with. The police department has so much, the department of public works and so on down the line. So, they do the best job they can. The chief in this city and the chief in Brockton have to pull people in order to put them back in uniform for visibility out there so people can see them, I suppose, and effectively patrol and effectively enforce the laws of the city.

It has hurt us. It has hurt us, and I am not crybabying. Everybody out there, the policemen, know I am not a crybaby. I like to get out there and go ahead and do it with whatever I have.

In 1989 detectives have up until this point in time, August 31, 19 arrests. This is dealers and drug traffickers. God knows there is more than that out there, but we can get near them. The uniformed division up until August 31 has 35. Now they seem to be running pretty well along to their 79. They may even go beyond that.

I think it is a crying shame that we cannot get the money to be able to put dedicated, knowledgeable, hardworking police officers out there in plainclothes who have the ability and who have the desire to do the job.

So, I look forward, Senator Kerry, to the results of your subcommittee hearings. I stand ready to support you all the way, whatever I can do to help. I think everybody here stands with you shoulder to shoulder in this important fight. Thank you. [Applause.]

Senator KERRY. Thank you very much, Lieutenant.

Lenny, you are our cleanup hitter here.

Sheriff MARSHALL. Bob, please, before you start that, Lenny's last name will remain a blank, if we can, and it would be appreciated if photographs were not taken of Lenny. He is currently on parole. He is not in custody, which would mean that he would have to sign a release.

Here again, if the distinguished lawyers here may make a determination whether or not you can print his photograph without his approval. I think that is something that would have to be addressed. He would respectfully request that his photograph not be used.

He is here at the Senator's request when it was offered to him. He is on the other side of what we are hearing about. He is a 100-percent disabled veteran from the Vietnam war. At one time if our records are accurate in the Norfolk County Sheriff's Office, he was up to a $1,000-a-day cocaine user and was a heavy trafficker in selling drugs throughout our communities.

That was his position. He was arrested by the Quincy police and other surrounding police departments. He was prosecuted in the Commonwealth of Massachusetts by the district attorney in Norfolk County and received a prison sentence.

He has completed his prison sentence and was placed on parole, and as a condition of his parole and while he was still in our custody he began in the first countywide drug and alcohol awareness program in our public schools throughout Norfolk County.

He has been evaluated on many occasions by our staff who is here today, and he continues to work at that goal in assisting our staff in dealing with public education about the serious use of drugs and alcohol in our public schools to young people.

We evaluate him constantly, and we find that he has been an excellent awareness factor for young people. We have received many commendations from school superintendents, school committee people, and students themselves. He has brought many people to light, if you will, about what they were potentially going to do to themselves, and we know that for a fact.

There has been many valuable things contributed by his presence, and for that reason I am not in any way holding a halo over his head or indicating that he should receive any remuneration or receive anything other than the fact of the truth of what he has been involved in.

He has taken the time this morning to come here and relate to us what he has done for a period of years and his feeling about the issue. The Senator thought it might be valuable for his subcommittee and all of us to hear.

I personally have been with him at various schools right here in this city and have been absolutely shocked at what he has brought out from young people who get so wrapped up in the transmission and the trauma of dealing with the issue when he begins his educational approach to it where they become totally honest and in some cases have broken down in the midst of his discussion with them.

So, I think he can offer the other side, if you will, and perhaps indicate to us some lessons we have perhaps yet to learn.

So, with all due respect to Lenny, he still lives around this area and he has children and hopes, as we all do, that none of them become involved with drugs. At this point I will turn it over to Lenny.

STATEMENT OF LENNY

LENNY. Thank you, Chief Sproules. It is kind of funny. This is the first time I have met him in about 5 years. He used to break my door down all the time, anyway.

Chief SPROULES. But we were always friends.

LENNY. We respected each other.

I cannot get over as I am sitting here listening to you talking about getting money for prisons for the fight against drugs. The most deadly thing in this country right now is drugs. Never mind AIDS or anything else. It is drugs.

You people take years to get money to fight people like me. Ask Mr. Sproules. When he used to come into my house, I had better equipment than this guy did. He should have used my equipment. When my people came to me and said we need better security, I handed them the money. I did not fight with them. When they told me I needed security, they got the money. You people are taking years. I cannot understand this.

The worst thing that happened to me was going to prison. If I did not get the time I did and spent it in the place I did, which is the most miserable place I have ever seen in my life, I would have been back on the street as a bigger drug dealer. If I had gotten the 6 months they were giving out at the time instead of the 5 years with 15 concurrent, I would have been back on the street, probably bigger and better than I ever was.

I think the biggest factor here is time behind those bars, because once you are behind those bars all your contacts, everything leaves you. I know when I went to prison I had 30-plus dealers working for me, and 85 percent of them right now do not sell cocaine because they have seen what happened to me.

I hate to say this, and I know I should not, but the small dealers, I was telling you, the people that sell ounces a week, are the ones that you people have to go after, too. If you give one of those dealers 10 years, they are going to sit back and say, "Boy, it is not worth those 10 years for the miserable amount that I am selling to you."

This is the system. What I could not get over, do you know what a drug dealer can do in 2 years? Does anybody here realize what I could do in 2 years? I used to make $50,000 to $60,000 a week with no problem. It took you 2 years to put me in prison from the time you arrested me. I could not understand that.

I am sitting here in amazement, and I am saying no wonder the drug dealers are winning. You people cannot get off your asses and get the money to fight us.

Chief SPROULES. May I just jump in here? One thing that always puzzled me and was my favorite pastime was to do surveillance and go after my friend, Lenny, and he sat down next to me today and I did a doubletake. I said what are you doing here? I could never figure out where he hid the money. [Laughter.]

One quick story. We did one of our many search warrants at his house, and two of his unsuspecting friends arrived one night and they had a small amount on them, so we kind of placed them into what I will say at this time was semicustody.

Lenny took me over in the corner, and we had one of our chats that we had on so many different occasions. He said, "These are good people, I want you to let them go." I said, "Well, what is in it? What can you do for us?" He said, "I will get you a kilo right now, a kilo of pure coke right now if you will let my two friends go."

I called up my friend, Bill O'Malley. I said, "Is this legal?" So, we did the legal background we had to do, took him for a ride, picked up a kilo of pure coke. How much was it worth on the street?

LENNY. It was worth $1 million on the street it was so pure.

Chief SPROULES. It was to let his two friends go. That is how high this guy was. He is not sitting here BS'ing. He was a top-level dealer, but he is to be commended for what he is doing today.

LENNY. One of the reasons why I am here is I did a lot of work with Sheriff Marshall with the children of this county, and the worst thing that has ever happened to me is we were doing a class of 12 year olds. I saw one girl who was stoned in the class.

One thing about the school system, the principals and the people that are at the head of it do not want to admit that you have a drug problem in the schools. They do not want to admit that.

I asked the girl what is the worst thing that ever happened to you being stoned on this cocaine which you are on now? She said waking up with a man I do not know. That is 12 years old. Now that kind of bothered me a little because I have an 8-year-old, and I think if a drug dealer ever bothered any of them I would not want to answer to me.

Everybody says what do you think is going to help? Education is unbelievable, the education of these kids. If you people as a nation here as representatives of the United States do not educate these kids about drugs—and I am not talking about telling them not to do it. Show them what it can do to you. This is how we work it—then the drug dealer will educate them his way, and they are good at it. It is not a 9-to-5 job with those drug dealers. It is a 24-hour-a-day job, and we are good at it. If you do not find things for these kids to do, then we will find things that we want them to do. I had more people working for me that were kind of left out in the cold, uneducated, headed for incarceration. I cannot get over that you people cannot build a prison. I really cannot get over that. We might lend you the money. I am not being sarcastic, but here is the United States, the richest country in the world, and you people are fighting to get money.

Sheriff Marshall is building a prison right now. I think it is one story high. We will need three stories. That is unbelievable. That is what he is going to need.

I am sitting here in amazement that you are fighting to get a few billion.

Senator KERRY. Let me ask you if in talking to the people that you used to deal with who gave you your sources of the drugs, et cetera, what was their attitude about the criminal justice system's capacity to have an impact?

LENNY. The time I was in it, from the 1970's to the 1980's, you people were not prosecuting us. It was worth the money. You were not pushing the issue. Like you just said, 14 percent.

Senator KERRY. So, it was the lack of a real war——

LENNY. Oh, the lack of a real war is unreal.

Senator KERRY [continuing]. Created an open season.

LENNY. You have a country right now that is being taken by the drug lords, South America. You do not think that could happen in this country? That these drug people will run these kids if you do not stop them now, believe me. They have more money than you, believe me. Like I said, really, I am amazed here.

Senator KERRY. Let me ask you this question. What do you think it takes?

LENNY. Right now?

Senator KERRY. Yes. Can you have a war? Can you make a difference?

LENNY. Yes, definitely a difference, if you have the right equipment. The worst thing that a drug dealer, I feel, is the presence of authority and the deterrent that you are not going to jail for 1 year. They are going to keep you behind those bars for 10, 15 years. These sentences they have been giving out scare the hell out of me now, but you are not giving them out to the right people.

They know that the big man is going to get 15 years, but the person that was only selling a couple ounces a week, which was making himself $2,000 or $3,000 a week, gets 1 year. It is worth 1 year because he already has half a million stashed away.

Mr. DELAHUNT. Where did you do your time?

LENNY. Believe it or not, I did my time in Dedham. I wish I had done it in Walpole, believe me, because it is so overcrowded in Dedham. It is like packing 100 animals——

Mr. DELAHUNT. You are suggesting we keep it overcrowded, I guess?

LENNY. No, I am not suggesting that.

Sheriff MARSHALL. Senator, if I could just jump in for 1 second with the financial aspect of it. I have in front of me the bails since 1984 from Norfolk County Jail, the jail side, for people who were involved in trafficking and cocaine and possession of class A through class D substance.

In Norfolk County arrested by Norfolk County police departments, all these people made the bail. Minimum bail was $5,000 cash, and the biggest bail paid in cash in a brown bag was $250,000. There are a number of them in excess of $15,000 to $25,000 to $45,000 and $50,000 and $85,000, all cash.

We have a policy in our department that any time somebody pays anything over $10,000 in cash—you know the bank laws. Everybody launders money.

The question was brought out as to where did he hide his money. Well, when their big people get arrested or somebody who is critical to their operations gets arrested and the bail is $250,000 cash, which is 10 percent of the bail set by the judge, and they can walk into our institution with a shopping bag and put down $50's, $20's, $100's, and we call over a bail bondsman and he gets $15 to allow this guy to go out on the street, and nobody in the system even questions where that $250,000 came from.

We have contacted the IRS, we contacted the State police, we let the DA's office know, we let everybody in the world know, and whatever followup is done, we never get the answers back, but that is what we feel. That is how sensitized our office is to the issues of the drug dealers and the moneys available to them. That is why I firmly believe that if we are going to make any impact at all, we now have a generation of people having kids that have been weaned on drugs.

We have a case in Michigan where a woman gave her daughter up to a cocaine dealer because she owed so much money. If that is not a human tragedy and a financial—the impact is beyond belief. Only people in the system can understand how bad it is.

That is the task that your committee is going to have to bring to the rest of the Congress and to the President of the United States to rally all these Federal agencies that are dealing with this and make sure that the Congress is willing to put the money up to fight that war if that is the leadership role that the President and the Congress are going to take. Certainly I have said that before, and I just want to commend you for it.

Senator KERRY. You had something?

LENNY. Mr. Delahunt said, "Do you think we should keep it overloaded?" That would be fine with us, because you have to let us loose because of the humane part of it. So, keep it overloaded, and you are just letting us loose early.

You need the money, Senator, for these prisons.

Mr. DELAHUNT. Let me ask one question if I may, Senator. Senator Kerry indicated in raising a question to District Attorney O'Malley and I made a similar suggestion about the utilization of Federal facilities in terms of incarcerating those who sell and deal in narcotics.

What kind of an impact does that have even on the street level dealers?

LENNY. I know I would not want to go to one of them, I will tell you that much.

Mr. DELAHUNT. You would much prefer to be in Walpole than in some miliary base?

LENNY. I went once through the Marine Corps, and I would not want to have to put anybody through it.

When I was in Norfolk in Sheriff Marshall's house, I was shipped over in my last month to this Braintree facility, thinking that it is going to be nice. It was clean, but you still had that guy there saying when to go to the bathroom, when to do this. That is the biggest deterrent, being put away and told what to do, especially a drug dealer.

Mr. DELAHUNT. Getting back to the user, the individual who is experimenting in drugs, the recreational user, you know Sheriff Flynn mentioned and we read about it in the paper this boot camp concept.

I do not think you are going to get any disagreement in terms of the long-term impact on demand. I think there is a consensus that education is the answer, but in terms of sending that sharp, clear message to those that are beginning to involve themselves in drugs, the 1, 2, 3 days, whether it is Sheriff Marshall's house or whether it is boot camp, someplace in western Massachusetts near New Braintree.

LENNY. It is the same idea as putting people away for first time drinking. It would be the same as that.

Like I say, once you fight the problem with the drug dealer, I think you are going to find that the user is going to be less. If you fight it with education, as Sheriff Marshall says, from kindergarten—I used to think it was crazy talking to kindergarten kids, but it is not.

I went over here to Holbrook to that school, and the principal said to me, "Well, we are not having a problem." We were in the fourth grade, and there was a kid laying on his desk from heroin. He was nodding out. So, you do have a problem.

So, between putting away the right person for a long time and education, you are going to knock out the users to a point.

With all the education we have done, I have seen as a drug dealer a big difference in the schools, a big difference. Thank you.

Senator KERRY. Let me just add, Lenny, I happen to agree with that. I think there is a showing where we have educated, where we have taken the time to put some of the educational programs, it has already shown that it is beginning to make a difference, which comes back to what I said at the outset, which is that if you are going to change a whole ethic about the use of drugs, you have to be able to get on all of the fronts at the same time. Particularly, you have to use the small dealer, the large dealer, everybody.

We are unfortunately out of time. I know a couple of chiefs have to run. We have run over a little, and again I apologize for the late start.

Let me just say very quickly that I knew when I started this week that there was a problem in terms of the resources. I am dumbstruck—and you sat there as an exdealer and said I am amazed—by the degree to which sheriffs, captains, police chiefs, and district attorneys are saying we are flooded, we are simply overwhelmed, we do not have the ability to make it work.

LENNY. Excuse me. Just sitting here listening to you people, you are lost before you even started if you do not get this money. They have so much money in their unit, if you want to say, but if you do not get these people their money, you might as well close the doors and let them take over like South America.

Senator KERRY. I happen to agree. I am not going to say we should let them take over, but I would agree we have a problem in terms of winning if you do not get the money.

I think President Bush has his work cut out for him next Tuesday. I think this has been very, very helpful to me, certainly, in terms of framing what our response has to be if we engage in this most important debate in the course of the next weeks in Congress.

I can assure you that it really has been helpful. It has been helpful to hear from each of you, your perspectives, whether it is the uniformity of the penal code or whether it is simply the question of educating and training or the prison overcrowding or whatever. We have our work cut out for us.

I do not think it is complicated. I have to tell you, it is really not complicated. It is pretty basic, and the criminal justice system was originally set up to deal with it by having deterrents. But you do not have deterrents if you cannot put people away, and you certainly do not have deterrents if you cannot educate people and have them deter it themselves, and so forth.

So, I want to thank you for reinforcing today the notions that I think a lot of us came to this meeting with. I am particularly appreciative for the patience that you have had in fighting this effort, as I will call it, over a period of time without the resources.

I am grateful, as I think all citizens are, for the dedication of the personnel who work with you, who continue to work under those kinds of circumstances.

I want to thank Bill Delahunt for hosting this hearing in this city. I do not think I have to say it, but nevertheless let me remind folks here that they are blessed to have, I think, in Bill O'Malley

and in Bill Delahunt a couple of the most progressive prosecutors that I know of. I know that when I was prosecuting, Bill Delahunt was really carving the framework of what it was to be a 20th century prosecution office with computerized capacity and modern programs and tapping the LEAA, and so forth.

I think that showed what you can do when you have the resources. We have to produce the resources for this war, and all of us are going to be held accountable obviously in our efforts to do so.

So, without further comment, let me just thank all of you for taking part today. I think it has been very helpful.

The record is going to remain open, so if there are any questions that I had that we are going to want to perhaps have in writing, we can submit them.

Peter, your additional materials with respect to what it will take to really wage the war in full will be printed in the record in full as if they had been stated here.

So, without further comment, we will stand adjourned. Thank you.

[Whereupon, at 12:33 p.m. the hearing was adjourned, to reconvene at 9:45 a.m., September 1, 1989, in Springfield, MA.]

DRUGS, LAW ENFORCEMENT, AND FOREIGN POLICY

FRIDAY, SEPTEMBER 1, 1989

U.S. SENATE,
SUBCOMMITTEE ON TERRORISM, NARCOTICS AND
INTERNATIONAL OPERATIONS
OF THE COMMITTEE ON FOREIGN RELATIONS,
Springfield, MA.

The subcommittee met at 9:45 a.m. in City Council Chambers, City Hall, 36 Court Street, Springfield, MA, Hon. John Kerry (chairman of the subcommittee) presiding.

Present: Senator Kerry.

Senator KERRY. This hearing of the Senate Subcommittee on Terrorism, Narcotics and International Operations will come to order.

I would like to express my gratitude to the city of Springfield, to the mayor and to all of the participants for taking part in this important fact-gathering effort.

As chairman of the Subcommittee on Narcotics and Terrorism, I have been deeply involved for a number of years in a series of investigative efforts that have uncovered much of the narcotics network that has sent drugs into the streets of this city and cities all across this Commonwealth and this country.

Last year we had occasion to show the Nation what General Noriega was doing and in addition to that to show the pattern of trafficking from Colombia, Bolivia, and Peru where the coca plants are grown to the Bahamas and Mexico and other Caribbean countries and ultimately into Florida, New York, Massachusetts, and cities all across our country.

What we have learned in recent days is that what is happening in Colombia threatens every single one of us. I ask you to imagine that the Governor of our State or any State were murdered or a candidate for Governor were murdered at a gathering in this city while addressing that gathering, that the attorney general of our State were murdered, that the secretary of public safety were murdered, that our supreme court, half of it, was murdered in the Supreme Court Building in Boston, and that some 50 other judges were murdered at their homes in courts across our State.

That is literally what is happening in Colombia, where the Medellin cartel has had the audacity to declare war against a legitimate government.

Now this is new. This is something that none of us has ever experienced before. It is not ideological. It has nothing to do with right

or left, but it is money-oriented, greed-based criminal enterprise that has decided to take on lawful institutions and civilized society.

The reason that this Senator is upset is that I heard the United States declare war in 1982, and I heard it declare war in 1983 and 1984 and 1985 and 1986, and in 1986 before the elections the Congress passed a bill to assist that war. In 1988 it passed the Drug Act of 1988. Neither the administration nor the Congress funded it fully.

For the last week, I have been going around this State and, I tell you, I have listened to mayor after mayor, D.A. after D.A., police chief after police chief, sheriff after sheriff tell me that our criminal justice system is either bankrupt or near bankrupt and that they need help.

Now as far as I am concerned, if we are going to spend $300 billion in the defense of this Nation and $6 billion as a totality on the so-called war on drugs, which is the greatest national security threat we face right now, something is wrong with our priorities.

I was a prosecutor for a period of time. I had the privilege of working with Matty Ryan and Tony Ruberto and others. I have learned something basic, I hope, about our system, the most fundamental thing of which is that if you cannot put someone in jail when they are supposed to go, you are sending a message to people that crime does pay.

I will tell you, when people can walk into a courtroom and bail themselves out with a paper bag full of cash and then walk away from the country and somebody can just send the next guy in and do the same thing all over, we are engaged in the most ridiculous form of self-deception.

Now I came here to Springfield this morning not to speak at you but share in your frustration and to listen to you. I think we have a most distinguished panel of people to participate.

What I want to learn today, what I am looking for, is your perceptions as the frontline practitioners. What should we be looking for from President Bush next Tuesday for a real strategy? What do we need to guarantee that we can do the job? What do we need to guarantee that the citizens of our State are not going to look at government and wonder why they put people there or whether it makes any difference. What are we going to have to do to have a real war on drugs?

Now I have my ideas, but, as I said, I did not come here to talk at you. I came here to listen, and I would like you to be frank and direct and straightforward. We want to do it in this fashion because I think that rather than just to have panel after panel of witnesses it allows us to have a little bit of dialog and a franker kind of exchange.

I have high hopes. I hope the President will make this thing work, and I have pledged to work with him; but if he does not go far enough, my greater pledge is to the people of this State to guarantee that we stop allowing them to feel that they cannot walk the streets, that they are not safe in their communities, and that somehow their lives have been threatened.

As a veteran of a war and also as a Senator and just as a citizen, I am always reminded of the fact that there is nothing more pre-

cious to us in this country and nothing stands as a greater example than the freedom that we have as a nation.

The simple fact is that while we have been willing to die and fight in other countries and do things to preserve that freedom and extend it for other people in past situations, our freedom has been diminished by this drug war.

Senior citizens cannot go out of their homes without fear of being hit over the head. Parts of our cities have become no-travel areas. Kids are subjected to drugs not far from schoolyards. Families have been torn apart. You cannot leave home without triple locking and buying extra insurance and having extraordinary additional cost to society by virtue of what has happened as a result of the increase of crime.

I know I am going to hear from Mike Ashe and others how the people in their prisons, 75 percent and maybe higher in some cases, are there with drug problems or drug-related crimes.

So, it is my privilege now to begin the process of the gathering of that information. I look forward to this morning's session. Again, I express my gratitude to all of you for participating in this. I think it is important to the Foreign Relations Committee, and my colleagues are grateful to you for your willingness to share your insights and thoughts with us.

What we are going to do is have about four or five people actually make a statement, and then we are just going to go around in a roundtable fashion. I will introduce each of the participants after I introduce the first opening statements.

I am delighted to be here with my friend and the new mayor of the city of Springfield, an attorney and somebody who understands this process, Mayor Mary Hurley.

STATEMENT OF HON. MARY HURLEY, MAYOR, SPRINGFIELD, MA

Ms. HURLEY. Thank you very much, John. It is a pleasure on behalf of the citizens of Springfield to welcome you here this morning along with my fellow mayors, Mayor Dunn, Mayor Musante, and Mayor Johnson and the district attorneys from Hampden County, Matthew Ryan, Tony Ruberto, as well as District Attorney Judd Carhart, Sheriff Ashe, and other members of law enforcement.

I think we are very glad to have you here this morning, Senator Kerry, because of the level of frustration that we all share relative to this broad issue.

As I am sure you are aware, the Commonwealth of Massachusetts in terms of many of the budgets both on the city level as well as on the county level sustained severe cuts. We lost many of the tools that we had to fight drugs. For example, my budget was level funded, and then it was cut an additional $6.5 million.

As a result of the level funding, cuts had to be made in all departments. Priority was given to the police department of the city of Springfield, but instead of being able to add men and equipment and to provide more tools for the police to be fighting this war on drugs, we had to make cuts. It is a frustrating experience for me as mayor of the city, and it is certainly frustrating for the men of our

Springfield Police Department who do such a great job with such limited resources.

On the Federal level, I am sick of "read my lips" and the lipservice that we have gotten from the Federal Government over the last 8 or 9 years. If the Federal Government had been doing its job, if President Reagan had recognized the problems that are inherent in this whole drug situation and that it's not diplomatic relations or questions about foreign affairs that interfere with our war on drugs in all of these foreign countries, then we probably would not have to be sitting here today trying to come up with solutions.

If the Federal Government had not abandoned the issue of housing and had not created such an atmosphere that more or less feeds on this type of problem as it relates to broad issues, then we probably would not be here.

The fact remains I do not need cute phrases. I need money. I need resources. If you give me the money, then I will get the job done. We have very, very capable police officers, and I do not think there is anybody in this room who will not do the job. They have done the job. I deal with Matty Ryan all the time.

This is the most discouraging and also most alarming statistic I would bring to this committee this morning. The Springfield Police Department Youth Aid Bureau revealed two discouraging trends. First, the number of youths arrested for substance abuse violations is increasing at a dramatic rate. Second, the median age and type of illegal drugs involved are also changing dramatically.

In 1982 there was a total of 741 arrests. In 1988 there were 1,079, and as of June 1989 there were 550, projected to go to 1,375. Drug-related arrests which in 1982 included alcohol violations were 64. In 1988 it was 161 not including alcohol violations. It is projected for 1989 to be 230.

A statistic that is not shown in the figures above is that the average age of the juvenile drug dealer has decreased from an average of 16 years in 1982 through 1986 down to 12 to 13 years in 1988–89. These are children. They should be in school. They should be playing sports. They are out on the streets selling poison and using it themselves.

You know, this is not a problem that is inherent in Springfield, MA or in Massachusetts itself. I was out in Springfield, OR, a couple of weeks ago, a small, nice community. The mayor was telling me about the Wannabees. I said what is a Wannabee? He said that is a 12- or 13-year-old kid who wants to be the leader of the drug gang.

What are we doing when that type of goal is the thing that is most important to our 12- and 13-year-old children?

This is, as I said, a war that has to have some substance to it. I read that the commitment of the Federal Government in terms of the money that would be available between what was asked for and what was allocated was less than 50 percent.

We need to have the resources to be able to deal with a multibillion dollar organized business. They have better guns; they have better equipment; and they have resources available to them with the snap of a finger. All they have to do is take some of the illegal moneys they get and buy whatever they want.

You are absolutely right in terms of the bail issues. They can come into court with a bag full of money, money that has not been taxed and money that has been made on the back of the despair that has been created by those who need the drug.

The alarming increase in the statistics relative to the use of crack are absolutely frightening. That is a drug that enslaves someone who uses it. I am sure you will hear from people who deal with it more closely.

Unless and until we are able to control the influx of some of these sources in addition to being able to control the demand side or the user side with some changes in the law, we are spinning our wheels.

They have, as I said, better resources, and it is a very frustrating experience on the part of our police department and law enforcement to not have the tools available to deal with these types of issues. We need changes in the law that are going to be significant, that are going to put some teeth into our laws, and we need financial resources made available to us.

I want to thank you very much for filing that bill that would allow some moneys to go directly to cities and towns to help us to fight the war on drugs.

If there is one thing that I have realized upon becoming mayor of the city of Springfield which has come much more into focus now, the cities and towns are the first line of defense in terms of our local police departments. We are the ones who are looked at to provide all of the essential services that our citizens have come to expect from us. That includes safe streets. That includes educating our children. It includes providing an environment that people come to enjoy in terms of wanting to live here and providing a good quality of life.

How can you do all those things when you have this menace that is so well funded, so well organized, and you are not given the resources to really deal with this on the type of level that you should be at?

I would just say to you please take these remarks back, and whatever you can do in terms of getting us additional funds and more or less reminding Mr. Bush that when he came to Springfield he was treated rather well and endorsed by the Springfield Police Department, and I have yet to see anything other than lipservice. I would much rather have the money.

Thank you very much.

Senator KERRY. Thank you very much, Mayor.

Our next formal statement is from a gentleman who has really made a tremendous contribution to this effort. He works as part of one of the lead agencies, the Drug Enforcement Administration. I have been privileged to work with him on a few occasions and to watch what he is doing.

I must say that in many respects the district attorney and some of our officers are the troops that are out there doing their best with enormous dedication and great ability and, really, great success for what they are able to do but limited by the lack of numbers, the lack, again, of resources and, in many respects, the lack of support systems through the courts and the structure otherwise.

So, I am delighted to turn to Special Agent John Coleman.

STATEMENT OF JOHN COLEMAN, SPECIAL AGENT, DRUG ENFORCEMENT ADMINISTRATION

Mr. COLEMAN. Thank you very much, Senator and Mayor, distinguished members of the panel and public. Thank you very much for inviting me here this morning.

As the DEA Chief of New England, one of my tasks is, of course, to visit virtually all the cities in the region. While the report from Mayor Hurley has been somewhat grim in terms of resources available to us, I am nonetheless enthused to report that folks in the law enforcement community, particularly on a State and local level, have made impressive and significant adaptations to survive despite the lack of these resources.

One such adaptation which has been very successful here in the Springfield area has been the creation of a task force which includes the State police, the Federal Drug Enforcement Administration agents, several other Federal agents from different agencies such as the IRS, the Alcohol, Tobacco and Firearms unit, and, of course, local law enforcement officers from several communities in the western Massachusetts area.

This task force, which has been in operation now for a couple of years, was the inspiration of District Attorney Matthew Ryan, who was very instrumental in helping to set this up and provide the basis and environment for the successful operation of the task force.

Now this is one such effort that law enforcement can do to overcome some of the temporary shortages and lapses in resources.

On a Federal level, what this allows is the use by State and local communities of the expansive Federal laws, which in many cases are stricter and more appropriate in terms of their application to organized drug trafficking operations.

To give you an example of that, the civil side of the Controlled Substances Act, which has been amended several times and most recently, in fact, last year, allows for the seizure of properties and assets, virtually any category of assets, real property, personal property, financial or otherwise, that could be attributed either to having been acquired through the proceeds of the illicit activities, the underlying illicit activities, drug trafficking, or used in the facilitation to commit drug crimes. Now this virtually includes every known type of asset.

In the past year alone, for example, on a national level the DEA seized almost three-quarters of a billion dollars in assets. Here in New England, the New England Field Division of DEA, which actually ranks about No. 9 in size in field divisions throughout the United States out of 19, was No. 1 in assets seized per special agent, bringing in well over $685,000 per agent.

That is a tribute not just to the work and the skill of the agents and the attorneys with whom they work but the fact that when we look at these cases, the majority of them that gave rise to these large seizures began with excellent underlying investigations by local and State law enforcement officials, people who know the communities they live in, who know the properties and assets that are acquired by the various traffickers in those communities, and who are able to effectively utilize the Federal legislation through

the auspices of DEA and the Federal Bureau of Investigation when appropriate.

So, in looking at an inventory of our case log, I would have to say that a majority, if not indeed the vast majority, of those significant cases all begin with some component of local or State law enforcement input.

Now again, Springfield has been in the forefront in leading the effort in forming these task forces. In fact, it stands as a model throughout the entire New England region for such task forces.

We are now in the process of attempting to put one together in Boston. We are working very closely with the mayor, you, Senator Kennedy and other elected officials, and the Governor, as well, in helping to put together that effort in Boston.

Even though Boston may be some distance from Springfield, one must realize when dealing with drug crimes, unlike other categories of crimes, that we all exist in somewhat of an ecological environment in which whatever happens in one area has a significant and direct impact upon something else in another area.

We also see that in terms of resources. Over the past 5 or 6 years, there has been a significant increase in the number of law enforcement personnel in the United States directed toward drugs, whether through the Organized Crime and Drug Enforcement Task Force Program of the Federal Government or through the deputization of State and local officers, over several thousand of whom are now deputized, to enforce Federal laws.

Also, the concurrent jurisdiction of the Federal Bureau of Investigation enforcing the Federal drug laws has added measurably people in the enforcement side of this equation.

Again, to use the ecological model, what this has done is create somewhat of an imbalance in other areas of the criminal justice system. For example, there is a need apparently for additional prosecutors on both Federal and State levels. There is unquestionably a need for additional prison space.

The lack of prison space and the lack of appropriate correctional institution facilities backs up the entire system to a point where many of the arrests that are being made today in America, especially in inner city urban environments, are virtually meaningless arrests.

The U.S. News and World Report last week reported in the vicinity of 8.1 million serious crimes were reported last year in the United States. Of the 8.1 million serious crimes, fewer than 100,000 people were actually incarcerated.

We see statistics that suggest to us that less than 10 percent of the people arrested in the United States for serious drug crimes are ever incarcerated for those crimes. That is an alarming statistic and one, I think, which suggests that there is a heck of a lot more that we can do here on a domestic level which needs to be done.

Again, I echo the sentiments of the mayor in terms of the resources. Resources are certainly necessary.

In the meantime, I also applaud the district attorneys such as Matthew Ryan who help put together efforts such as task forces which are short-term adaptations that we have to make in this

business to cope with the fact that we have these chronic shortages of resources.

Finally, I would like to just say a word about prevention and education, because it is a very important area of our work in drug abuse control. Over the past several years we have had very significant efforts made in the area of prevention education.

The State of Massachusetts is way out in front with the Governor's Alliance Against Drugs, which was recognized by the Drug Enforcement Administration several years ago as a model to show the Nation what can be done when you bring into a school environment, in particular Kindergarten through 12, a curriculum-based educational program to help children become aware of the consequences of drugs and to help them to be in a position to reject the initial appearance of drugs in their communities and their environments.

The law enforcement community certainly supports prevention. Many law enforcement officers participate in programs such as DARE. We participate with the Governor's Alliance Against Drugs Program. We participate with the Spectra Program in Boston and other communities.

The law enforcement community has been very out front in the area of prevention education. As I said to a colleague of mine here this morning, a law enforcement officer working in the area of prevention is somewhat like the fire chief who says "I would rather help you put a smoke alarm in your house today than have to respond to a fire 3 a.m. tomorrow."

So, in closing I would just like to say thank you to you and to Madam Mayor for inviting me here today. Again, I applaud the efforts of my colleagues on this panel to perform despite the fact that we all, including the Federal Government, lack the resources necessary to do the job.

Thank you, sir.

Senator KERRY. Thank you very much, Agent Coleman. I would like to come back to you with a few questions as part of the dialog if I can.

Sheriff Michael Ashe is coping with a problem of overcrowding, as are all of the sheriffs. We are delighted to have you here with us. Thank you.

STATEMENT OF MICHAEL ASHE, SHERIFF, SPRINGFIELD, MA

Sheriff ASHE. Senator Kerry, Mayor Hurley, distinguished members of the panel, once again I really appreciate taking this opportunity to speak to you about the tremendous problems that I, as sheriff, have been faced with since 1975.

I came into office at that time. We had 150 inmates, and it has just been tremendously overwhelming in terms of dealing with the extreme overcrowding.

I want to say as an opening statement that it has been extremely frustrating to see our dedicated law enforcement officials, our police in our county, our district attorney working tirelessly to make things happen, but our system is not working because it is artificial in our county right now. This was said by Judge Keating

before our own Hampden County delegation that we are trying to fight a war, and we are fighting nothing.

As Mayor Hurley said earlier, what we are getting is a lot of rhetoric, and that is it.

I must tell you that in all sincerity, it has been tremendously difficult, particularly in the last 4 or 5 years, of getting lipservice in terms of wanting things to happen. As you turn on the television, you hear all the different great statesmen talk, but I can honestly say to you that I have received no equipment or resources to do the job.

Rather than just talk about rhetoric, I would just like to quote some statistics and so on to bring this problem closer to home.

Senator Joe Biden, before the American Correctional Association Conference, said those who are working in correction must make sense out of the chaos that has dropped at our doorstep. Let me tell you a little about the chaos.

We hear much about overcrowding at correctional institutions, but people do not fully realize that we in corrections get people at the end of the line. Fully, 85 percent of our house of correction population comes to us with substance abuse problems and are in jail directly or indirectly as a result of that problem.

Forty percent of our pretrial population is being held for sale or intent to sell drugs. Just imagine that, 40 percent.

This means that they are in jail either because of the sale or possession of illegal drugs or because they committed crimes consistent with lifestyles centered around drugs and alcohol abuse or because they committed crimes while under the influence.

A recent National Institute of Justice report on drugs in the system of arrestees, drugs on arrestees in New York, females 76 percent, males 78 percent, in Philadelphia 77 percent, male 82 percent. Cocaine in the system at the time of arrest, in New York again, females 73 percent, males 67 percent; in Philadelphia 56 percent females, and males 75 percent cocaine in the system at the time of arrest.

No question, the majority of people arrested in New York and Philadelphia have cocaine in their system.

Again, to reemphasize and reiterate the whole point on overcrowding, over the period of 1979 to 1986 when prison population increased by 212,000, the number of offenders in prison who had been actively involved in drugs increased by 111,000 people.

To show you again the magnitude of the cost, we are talking about how much it costs to incarcerate somebody. Let us talk about crime in the streets; again, a very important statistic done by a research study and based on FBI data.

Social cost of crime, looking at security measures, actual losses, criminal justice costs, et cetera, the Rand Study reports it costs $2,300 per crime. Based on a survey of looking at 2,190 offenders in three States determined that the overall average of crime committed by offenders in here was between 187 and 287 offenses.

Now simple arithmetic tells us that if you multiply 2,300 by the lower end, 187, a typical offender in a criminal pattern of activity on the street costs society $430,000 per year. This is a drug addict who burglarizes and shoplifts. This is one who is involved in a

criminal pattern of behavior in the streets and drug addicts who we must deal with on a day-to-day basis.

Because of our overcrowding we report under a Federal cap. I would just like to emphasize here again in this State in urban county jails we have seven counties who are under a Federal cap. Just to mention them, to dangle them as point, you are looking at Suffolk, Essex, Norfolk, Worcester, Springfield, and Deer Island, just to mention a few.

In addition to that, all but 10 States have them as well. The results of these caps are early releases. This is why I am saying our system is so artificial.

The police and District Attorney Ryan work dedicatedly in terms of trying to fight this war and, just as John Coleman said, at the other end of the system we are releasing them because of this tremendous problem. In a lot of ways they are just laughing at the system, and that is part of my great frustration because I believe that you must confront the problem directly and deal with it and not play games.

I think one of the great frustrations for me is I see a lot of games going on in this situation. We are looking not at Massachusetts but the State of Texas. It is extremely conservative; not Massachusetts, which is supposed to be the most liberal. Texas is a State noted for its conservatism with respect to law and order. Prisoners serve roughly 1 month for every year of their sentence because Texas prisons are overcrowded.

I have said publicly often and I will say again that unless we can appropriate correctional facilities on line quickly in this county, we could have a tragedy on our hands if one of these early released people harms a citizen. I need cells.

I will say it again. I need cells now, not only temporary but a permanent facility. Only last night, Senator, I was in Westfield where again we had a public hearing regarding our desire to site a temporary facility there. We do have a mayor there, Mary Moralis, who in my opinion has been tremendously courageous, who is willing to support that effort. Again, it is a case of politics. People do not want it in their backyard.

My point is if they do not have a jail in their backyard, then they have criminals which we know are there. We must all come together and cooperate in terms of dealing with the situation.

I do not want to go on and tell you some of the things we are doing at our jail to try to offset this. Let me just say I am a strong believer in community corrections. We must not just throw somebody inside in a 6-by-8 cell and just warehouse them. My whole life has been devoted to this. We want to be able to be firm but fair. You want to be tough when you come at it. When you do not have the tools or resources, it is extremely hard to do it.

So, again, I applaud you for this effort. I want to thank my colleagues for their support and help in terms of my dealing with this and particularly to Mayor Hurley and District Attorney Ryan and others in the law enforcement community who have been working hard in this area.

[The prepared statement of Sheriff Ashe follows:]

PREPARED STATEMENT OF MICHAEL J. ASHE, JR., SHERIFF, HAMPDEN COUNTY, SPRINGFIELD, MA

Dear Senator JOHN KERRY: I am writing with regard to President Bush's recent message on the fight against drugs in America.

Since you will be part of the discussions concerning the allocation of resources by the Federal Government in the "war on drugs," I wanted to infuse your perspective with some ideas from a beleaguered county correctional administrator.

First of all I believe that the $1.6 billion earmarked for the building of correctional facilities should include assistance for the building of local county level facilities. Like politics, all crime is ultimately local, and the impact of the enforcement of drug laws is felt acutely on the local level.

I am a firm believer that any laws which stipulate harsher or mandatory sentencing should be required to include stipulation as to how the resources to enforce the new laws will be appropriated and allocated. Longer sentences and mandatory sentences are popular with the public, and the temptation exists to pass such laws for the quick, easy popularity that such postures evoke. The real statesman, however, must accept the mature responsibility of giving such laws "teeth" by indicating where the resources for apprehension, prosecution and incarceration will come from. If you don't do this, you have a situation such as now exists in Texas, which has long sentences in court, but where inmates are now serving one-quarter of their sentence before being eligible for early release. The net effect of mandatory sentencing and longer sentencing law is shorter sentences, if the lack of appropriate resources necessitates the early release mechanism to comply with court ordered population CAPS.

Second, local corrections should be considered for some of the $900 million earmarked for treatment. 85 percent of my inmate population has a substance abuse problem that directly or indirectly contributed to incarceration. In county corrections, we have custody of them for an average of less then a year. Rather than just overseeing a holding action-effectively "warehousing" them gives us the resources to impact them. County correctional facilities are ideal locales for substance abuse treatment, because they are filled with substance abusers who, for a time, are removed from their pattern of addiction.

Third, let's make sure that corrections is an equal partner for the $350 million to the States earmarked for enforcement. No one suffers more when corrections is not an equal partner in the criminal justice system than police and prosecutors. How frustrating it is for a policeman to risk his life apprehending a felon or a prosecutor to work exhaustively on a case only to see the convicted felon let out because of a lack of correctional facilities. For criminal justice to truly be effective, corrections can no longer be treated as the "poor cousin" of the criminal justice system.

I am asking you to infuse the discussion in Washington regarding the war on drugs with the idea of the need for the Federal Government to assist in the building of local facilities; the need to consider county correctional facilities as an ideal recipient of moneys for treatment programs; and the need to treat and fund corrections as a full partner in the criminal justice system.

Given the proper resources, I look forward to being a vital warrior, shoulder-to-shoulder with you, in the battle against drugs.

Senator KERRY. Sheriff, thank you very much for that important testimony.

Let me just say to any of you I sense that you have some written testimony there and that you kind of jump around. Anyone who has a written statement that you wish to be made part of the record in a report that the committee will issue, your testimony can be submitted for the record, and it will be printed in full as if you had read it here. So, if you will make sure that the stenographer has the record or that my staff has it afterward, we will see to it that that takes place. I appreciate that.

Our next panelist is the district attorney of the northwestern district of Hampshire and Franklin who has been serving by appointment to fill out the unexpired term of District Attorney Ryan. I am delighted to welcome an old colleague here, Judd Carhart.

STATEMENT OF JUDD CARHART, DISTRICT ATTORNEY

Mr. CARHART. Thank you, Senator Kerry, Mayor Hurley, distinguished panelists, and members of the public. I thank you for asking me to address you.

Senator KERRY. I think we are all going to do better if you get real close to the mike. Then everybody can hear.

Mr. CARHART. The topic today, as we all know, is one of the most pressing problems that faces our society. As a district attorney, I have had occasion to meet with citizens in both counties that I serve. It is a common problem that is raised with me that the public demands a solution to our drug problem.

This is nothing new to the public, in my opinion, but we have hit a point, I believe, where the public will no longer tolerate both the perception and the reality of the drug problem that pervades our society.

I am sure we all could sit here and speak for hours about the problems we face in law enforcement and the solutions we have. I would like to give you a very brief overview of some of my thoughts on the problems we face and the possible solutions. I bring to this perhaps a unique perspective.

Ten years ago I had occasion to be the chief of a narcotics section in the U.S. attorney's office and as such covered all the drug cases in Massachusetts. Ten years ago we saw Colombian boats bringing drugs to Massachusetts. We did not have either federally or stateside the laws to combat that.

If there is one thing I can say about law enforcement this morning, Senator, it is that I bring hope as far as solving the problem in the judicial system, but the problem will never be solved unless we are one component of the solution.

We now have strong laws in Massachusetts. We have a trafficking statute which we did not have 10 years ago. Despite the perception otherwise, at least by law if a person is convicted of trafficking that is a minimum mandatory sentence. There is no parole, and there is no furlough.

We must be ever vigilant in the law enforcement area to make sure that those laws work. We also must not be afraid to enforce those laws. The people of the Commonwealth and our legislature have told us they demand that drug dealers go to jail. It is the law, and I do not believe any of us would dispute that that law should be enforced.

There is, in my opinion, a clear and present danger to our society. I have seen your remarks, and I agree with you wholeheartedly that the most dangerous situation that faces our country is not from the Communist bloc but from the specter of drug involvement of our youth.

I serve two counties that are somewhat rural in nature in certain parts. We have 47 cities and towns. I can tell you without any equivocation that there is not a city or town no matter how rural that we have not had a drug case in the last 2 years that we have not had a perception of drug problems.

To respond to that, what we have done is to form local task forces which pools resources, pools police officers from cities and town and is also contributed to by the district attorneys and the

State police unit. I believe that they are very effective. We have seven police officers that work with the district attorney's office full time on narcotics. In the task force we have a number of officers that work full time on narcotics.

The severity of the situation is such that I tell you that these police officers are employed full time. They work every day, and they have plenty of business. That, to me, speaks to the real problem here.

We have a very profitable business throughout the United States, and that is drug trafficking. What we can do in law enforcement is we can increase the risk, and we must increase the risk. We must show people that if they engage in this conduct they are going to jail, and it must be severe sentences to show the public that we mean business.

As long as the profits are great, as the old adage goes, there will be someone there to take that risk, that is really what we have to focus in on. Law enforcement can by the very nature of the problem only be a component in the solution.

As Agent Coleman pointed out, most of our cases have some nexus to drugs or alcohol. In our two counties it is estimated that somewhere between 70 and 80 percent of our cases we prosecute have a nexus to drugs and alcohol. It just makes commonsense to me that in order to solve this problem we have to address that issue.

We have to look at the most pressing problem in this country, and that is demand. Colombians are going to bring drugs to our country so long as we will buy them. That is a truism that I think is indisputable. Someone will take that risk.

So, it seems to me that in order to go forward and solve this problem we have to look beyond the judicial system. Unfortunately, there has been a perception that law enforcement alone and the judicial system alone can solve the problem. It is not like the Social Security Administration when it was formed. It is not like any of FDR's New Deal programs that will solve a problem. The public can just be happy that that problem is solved.

We will not solve this problem unless every single citizen in the United States, first of all, recognizes the problem and, second of all, does something to help the solution. What I am speaking about is broad-based support throughout the community.

Senator, one thing I would hope very strongly that you might take back with you to Washington is my perception that the Federal Government under President Reagan, although making good strides in the Drug Enforcement Administration area and enforcement, did virtually nothing in social services.

I believe that we have to fund those social services as well. I will give you an example of why it is important.

When I became district attorney I met with a number of mayors and selectmen and people in the community, and we discussed this problem at the local level. We agreed that probably the most important thing to do is to educate our children that drugs are bad.

How do you do that? Well, luckily in Northampton Mayor Musante had several years ago implemented the DARE Program. I will say as a district attorney I have never seen anything as effective as the DARE Program. Officers go into the schools and educate

in a nonconfrontational manner sixth graders and really help them understand that drugs is not the way to go.

Those programs are not funded federally. It is no secret that these are very difficult times for the cities and towns in Massachusetts. Each city and town in my two counties is scrambling for ways to continue the DARE Program. We have not been very successful.

So, while I applaud the increase in law enforcement federally, I must say without a concurrent increase in social services funds and intelligent programs federally, we are not really going to come to grips with this problem.

I do not see any Federal involvement at this point. I see their programs through about half of our cities and towns. I see the Governor's Alliance Against Drugs being very, very active in our communities and helping with it. I think if the Federal Government is truly going to make an impact, they have to fund the social programs.

Once again, the answer is in very strong law enforcement. I believe that all of us on the panel will agree that we must make sure that the punishment is swift and certain and that people do not walk in and out of courtrooms. We must use our statutes on trafficking and must not be afraid to do so. We also must join in an effort throughout our communities to address this problem.

If we do so, I am very optimistic that given the public tenor on this program and the fact that the public is fed up and sick and tired of this problem, that we can solve it and we can indeed become drug free.

Thank you.

Senator KERRY. Thank you very much, Mr. District Attorney.

We turn now to Lt. Gerald Lee. He is a 20-year veteran of law enforcement, a member of the Pittsfield department. He started a task force effort out there and is a member of the Berkshire Task Force effort.

Lieutenant Lee.

STATEMENT OF GERALD LEE, LIEUTENANT, PITTSFIELD POLICE DEPARTMENT, MA

Mr. LEE. Thank you, Senator, Mayor Hurley, and distinguished panelists.

Senator, there is one advantage to working nights. I have been able to see your hearings on C-Span, and I must admit they have been very informative, to say the least.

This is my second tour as a narcotics investigator. In 1980 and 1981 I was assigned to the Pittsfield Police Department Narcotics Unit, and then after a reassignment I returned to the narcotics unit in 1986.

In 1980 I can recall only three or four cocaine-related arrests. Marijuana was the drug of choice in the city of Pittsfield at that time. In May 1988 with the help of the State police and the district attorney's office, in a 1-day sweep we arrested 28 cocaine dealers in the city of Pittsfield.

Naively at that time I thought that we would have a slowdown since we are considered to be a rural part of the State. That did not

take place. Since then, my three-man drug unit in the Pittsfield Police Department has been arresting about one cocaine dealer per week.

Pittsfield is the only community in Berkshire County with full-time drug investigators. We are assisted by the State police who are assigned to the district attorney's office. The problem is that none of the other communities have enough officers or resources that they can assign an officer to a full-time narcotics investigation capacity.

We do have a drug task force, but the problem with the drug task force is that it is a part-time endeavor. Intelligence gathering is a full-time occupation, and what we have to do is come on line with a full-time drug task force.

Since we live in Berkshire County, our problems are slightly different than the rest of the State. More than one-half the people we arrest give home addresses of Yonkers or Bronx, NY. They arrive in Berkshire County by bus or by rented motor vehicle. They stay in motels throughout the county, and they deal throughout Berkshire County.

These are teenagers, 16, 17, and 18 years old, and when they are arrested we are finding them with $5,000 and $6,000 on them and 20 or 25 grams of cocaine. We feel this is a gang operation, and it is not necessarily related to what occurs in, say, Springfield, Worcester, or Boston.

In Berkshire County around 1979 or 1980, alcohol treatment facilities were opened. At that time, 100 percent of the patients were in there for alcohol abuse. In 1988 and 1989, 80 percent of them are in there for cocaine or poly abuse. Perhaps only 10 or 20 percent are in for alcohol abuse alone.

If we had funds on hand, I would like to see the Berkshire County Drug Task Force become a full-time operation. We have equipment that has been given to us by the Federal Government through various grants to the program that is now being run by the district attorney's office. Now that we have the equipment in hand, we need officers to use the equipment.

I would propose that some of the moneys be turned over to the small towns so that they could hire reserve or part-time officers and then allow their experienced, streetwise officers to join the drug task force. I think that this would be more economical than the current system where when we use an officer we have to pay him at the rate of time and one-half. We can ill afford that in this time of austerity.

Thank you again, Senator, for having me here.

Senator KERRY. Thank you very much, Lieutenant. Thank you for your efforts out there.

Our last prepared statement panelist is Suzanne Quinn. I would like to say a word about her. She is the executive director of Marathon House here in Springfield. Suzanne was a heroin addict for 3 years. In 1970, rather than return to jail she admitted herself to the Marathon House, which was then a new therapeutic center for adults. She overcame her drug addiction and has been working at the facility for the past 6 years. In June of this year she was appointed executive director.

I echo what District Attorney Carhart has said. I have no illusions that interdiction and law enforcement are the solutions to this problem. They are critical components of a real war.

The Senate last year, after a task force of Senators of which I was a member put together the 1988 bill, shifted what had been about a 70-percent expenditure on interdiction and 30-percent expenditure on education and treatment and so forth to at least 50 percent to the education and treatment area.

I am deeply convinced that on the demand side the education and treatment components should be the ultimate, most important niche linked to the law enforcement interdiction business.

While we are not hearing today from a lot of treatment education specialists, we have been doing so in the past, and I have been doing so. We did want to include at least one person for that perspective here today.

So, Suzanne, we look forward to your comments.

STATEMENT OF SUZANNE QUINN, PROGRAM DIRECTOR, MARATHON HOUSE, SPRINGFIELD, MA

Ms. QUINN. Twenty-five years ago it was a state of euphoria. The effect that heroin and other substances had on my physical and mental state was painless and thoughtless. Within 1 year of all this, it had turned to pain, the pain of physical and emotional addiction. With a lack of self-control, I felt nothing, cared about no one including myself, and refused to face reality and what was truly happening to me.

For 5 years I lied, stole, and manipulated everyone for either money, material items, or drugs. I disrespected myself, my family, and anyone, for that matter. I was in and out of hospitals and State institutions due to arrest after arrest on drug-related offenses. I spent a year and one-half in the prison system at a young age. This was one of the most frightful experiences of my life.

No matter what my family, my priest, probation officer, or the judge had pointed out, I was too out of touch to listen. The problem was I did not want to change, and I did not want help. I thought I was living the most exciting lifestyle there was, and that I was just too cool.

My defensive need to control everyone and everything around me was in fact a sign of how out of control I really was. I was so much into a game that I adapted to every type of person and situation I encountered. I manipulated my way through as a sweet, innocent little girl.

It all came to a halt in 1970 when the judge told me, "5 years, or Marathon House." I did not enter Marathon House because I wanted to change but because it was only 2 years compared to 5.

After several months in treatment I began to adjust and look at my past, including all the people that I hurt. I finally allowed myself to feel and forgive. It was a hard 2 years of growing up all over again, learning responsibility, being honest, trusting and building self-esteem. I somehow felt that all this happened for a reason, and this was my cross to bear.

Since my completion in 1973, I have worked in the field of substance abuse, I have acquired a degree in human services, and I feel that it is my obligation to help others with this problem.

For the past 6 years I have been with Marathon House, which provides treatment to hardcore needle users regardless of drug of abuse. I began as program coordinator working up to director in June of this year. I feel it is my business to do whatever possible to help addicts.

The drug situation in western Massachusetts is a serious one, and the drugs coming into the United States are appalling. The drug problem affects all lives, businesses, and schools in our community with consequences such as armed robberies, pocketbook snatching, rapes, physical and sexual abuse, prostitution, and strong negative influences on our children, as well as my own.

The question is, What can we do? Marathon House can help in the recovery of substance abuse as well as educate for the prevention against serious epidemic risks such as AIDS, but our hands are tied. Marathon House is the only long-term live-in therapeutic community in western Massachusetts. We can only accommodate 30 clients, and our waiting list never diminishes. The wait could be anywhere from 4 to 8 weeks in length.

In fact, one father called for his son to be admitted. While waiting only 1 week, his son was rearrested, imprisoned, and hung himself.

We desperately need to expand, but our facility and our location will not permit this. We are presently in the process of seeking funds for relocation and expansion from the Housing and Urban Development. We are presently funded by the Department of Public Health. We also hold a contract with the Federal Government to accept Federal parolees.

Marathon House will celebrate 20 years of success in 1990, and it is a testimony to the ability of a program to coexist with the community peacefully. Of those that graduate, after a 1-year followup 90 percent will remain drug and criminality free. After a 7-year followup, 75 percent have still remained drug and criminality free; 15 percent of those that entered Marathon House will complete, and after a 1-year followup 65 percent of those that have entered Marathon House who did not complete will either have eliminated or reduced drug use.

Drug trafficking and drug addiction is a serious problem in our Nation and within our own State. Drugs and drug-related crimes are killing people every day along with the serious killer, AIDS. Personally, I believe we need strict consequences and mandatory sentencing for nondrug-using dealers. We also need more money in our city and in our State to help addicts recover by enabling programs to expand.

I will do everything in my power to pursue and lobby for this war we are now in. We all need to put our thoughts together, and most of all we need some action.

Thank you.

Senator KERRY. Suzanne, thank you very much. I think that is a very important and frank statement, and I appreciate enormously both the work you are doing and the courage that you have exhibited through this effort.

Let me just say now that each member of the panel who is here could easily have been the leadoff person or contributed a statement, but we wanted to create some dialog and exchange.

What I want the panelists now to do is really to react partly to what they have heard or to fill in the missing links, suggesting those things that they think are going to respond.

I am particularly interested in the following. On Tuesday the President is going to yet again set something of a course. When I say "yet again," it is the first time for him but yet again at the national level.

The question for all of us is, Is it enough? Is it real? Is it adequate? Is it going to be what we need? What do we need to be real? What should the measuring sticks be by which we judge whether or not that is the right course, and what do you want me to do?

As one of your representatives in the Senate and certainly for Ted Kennedy and for the House Members and others, what should we be fighting for that really will be adequate in order to try to do the job? I am particularly interested in your assessments of what is adequate.

I do not want to cut anybody off from saying anything that is on your mind that you feel you need to emphasize or reiterate, but I do want to try to focus on some of those questions.

Let me just introduce each and every one of those who are participating in the course of this panel. Mayor David Musante from Northampton, but he told us previously that he could not stay for the entire time. We appreciate his having come.

Mayor Christopher Johnson is here from Agawam; Mayor Marty Dunn from Holyoke; District Attorney Matthew Ryan representing Hampden County here in Springfield; District Attorney Tony Ruberto from Berkshire County; Chief Edmund Dowd from the Chicopee Police Department; Chief Russell Paquette from the Holyoke Police Department; Commissioner of Public Safety of North Adams Arthur Kelly; Chief Benjamin Surprise from the Westfield Police Department; and Capt. Joseph Koncas from the Northampton Police Department.

Joe, we all very much appreciate your taking time to be here.

Let me begin if I can, and I will turn to the mayors or to either of the district attorneys if you would like to lead off and pick up with comments or thoughts at this time.

STATEMENT OF CHRISTOPHER JOHNSON, MAYOR, AGAWAM, MA

Mr. JOHNSON. I would like to thank the Senator and Mayor Hurley for inviting me here today.

One of the questions you just asked was, What do we want you to do? I echo the sentiments of Mayor Hurley.

I have heard and seen Nancy Reagan on the doorsteps of the White House saying, "Just say 'No' to drugs." It is my personal belief that the only way we are going to curb the drug problem in the United States is by cutting off the demand.

I agree wholeheartedly with District Attorney Carhart that the social programs and the educational programs are the future solution to the drug problem.

Looking around, I believe I am probably the youngest person on the panel here today. I think, being the youngest person on the panel, I am closest in age to most of the people who are creating this drug problem. I think the only way we are going to stem the problem is with some Federal assistance in education and in social programs.

Prior to becoming mayor I was fairly active in public defending in Judd Carhart's county. I cannot emphasize the problems I had when I had a drug abuse criminal case in trying to find a program for that person to go into to receive help and then sending them to Mike Ashe's jail.

I am sorry, Mike.

Most of the time, it does not help. The only way it helps is if we can send them to something like Marathon House where when they come out they are not going to go back onto the street, do drugs, and end up back in the court system again.

I, too, have a DARE Program in my community, and we are expanding this year to beyond just one grade. We do have drug curriculums throughout Kindergarten through 12. It was not there 10 years ago when I went through, and I can tell you the kids are excited about it. I think that my police chief and my drug officers have told me that the kids are excited about the drug programs, and they are seeing less and less problems with the kids who have already gone through.

We need help. Our budgets have been slashed. We have to worry about essential services. While these services are essential for the future, as Mary said, we are looking at keeping what we have, not expanding and doing anything that is going to add. The only way we can add is with your help.

So, I think that what you can do for us and especially for my community is help us with the educational programs; help people like Suzanne with the treatment programs. That is where the solution lies. The supply is always going to be there so long as the demand is there. The only way we are going to dry up the supply is if we dry up the demand first.

Thank you.

Senator KERRY. Thank you very much, Chris.

Marty.

STATEMENT OF MARTIN DUNN, MAYOR, HOLYOKE, MA

Mr. DUNN. Senator, I would like as well to thank you and Mayor Hurley for the forum here this morning. I think it is very important and certainly something I am happy to participate in.

I represent a city that really has been devastated by drug activity and substance abuse in general. The crime in the city of Holyoke, a city of some 40,000 people, is continuous and very, very violent. It really all culminated several weeks ago in a double murder over a sour drug transaction where we had a 22-year-old male stick a rifle in the side of a truck and pull the trigger 15 times, killing the two occupants in the truck.

The crime in Holyoke, as Mike has stated, I believe is supported probably more than 85 percent by drug abuse or some form of substance abuse. It is not only causing great personal harm to the

people who are participating in it, but it is causing great community harm as well. When you have those types of activities, people look to move out of your city. The tax base decreases. Certainly the business base decreases, and the harm is widespread.

In reference to law enforcement, we have many experts here with us this morning, and I really concur with everything they stated. We need to be more aggressive. We need more resources.

Let me just state that even with the limited resources that we have had in western Massachusetts, I think the results have been phenomenal. I know through District Attorney Ryan's office and our police department we have had continuous large scale arrests, the problem being the next day there is always another arrest to be made. We cannot stop in that effort because of that.

One of the things I would like to bring up to you this morning is the concept of revenuesharing, whereby the Federal Government is to send moneys back to cities and towns to be used primarily for police and fire departments. The city of Holyoke up until fiscal year 1986 received some $2 million of revenuesharing under the Reagan administration.

Since the fiscal year 1986 revenuesharing was discontinued, we have not received one dime for our general operating budget now in the city of Holyoke from the Federal Government.

We in the this city right now are maintaining our status quo with our police force, but if the budget cuts that Governor Dukakis has put on the table now, those conditional vetoes, are upheld, we will lose as many as 40 police officers in the city of Holyoke out of a force of 90 patrolmen. To take away 40 I think would be criminal and, at the very least, immoral.

So, we need resources. We need revenuesharing. Congressman Conte has refiled the legislation in Washington. I know I have spoken to you about it. We need those moneys coming back to the cities and towns. How discouraging to watch moneys being invested all over the world, as needy as some of those countries might be, and be sitting here amongst the taxpayers of this country watching the educational problems we have come to light, watching the substance abuse and crime problems we have and not having any reinvestment from the Federal Government.

I think it is a necessity, and I would urge you once again to, as you stated, support that legislation. I think it is dramatically needed.

I think there are two other levels I would just like to quickly touch upon. The treatment level I think is something that we have to discuss. The ability to obtain treatment I know in our area is very, very difficult. It is very difficult to go out to neighborhood meetings and encourage people to give up drugs, to get off cocaine, to get off heroin, and then when they tell you they want to you have to tell them that you will put them on a waiting list.

We have a methadone clinic in Holyoke which is just an outpatient clinic. We have an inpatient clinic that is very small, and the best that any of us can do for any of those proposed patients is to get them on a waiting list. We have to do better than that.

I have a church group with me here today from the city of Holyoke that is working in our community on substance abuse and getting people off of those narcotics. Once again, funds are the

problem. We need to have treatment facilities, and if we are going to reach out and try to pull people off of substances we need to be able to put them somewhere. That is missing greatly, I think, in all communities across the Commonwealth.

Third and last, and I will be brief, I know in cities like Holyoke we have created an environment for drug activity. I know I have been discussing this very much lately. The land of opportunity I think to some extent has become the land of dependency.

I think that when you have an environment where idleness is rampant, where there is any excitement or any type of problem that cannot be foreseen you are going to have substance abuse.

In the city of Holyoke, I think we are an example of a welfare distribution system that is being abused and not used for the right purposes. As a result, I think you have many people who are just idly existing in communities.

If I took you to the city of Holyoke right now, Senator, I could ride around with you to 10 different corners to watch people drink beer. I do not think it is surprising that at night those substances turn into cocaine and heroin. It is a progressive state, and I think that the idleness is something that we have to look at as a base in communities such as Holyoke.

I think welfare is fine. It should exist in the United States, but I think it is being abused to a great extent, and I think that opportunity once again is being used as dependency. I think by and large we are creating an environment in many instances where it is just logical that substance abuse takes place.

So, it is a multitiered problem, Project DARE, et cetera, but I think there is a great deal that can be done.

Senator KERRY. Marty, thank you very much. I appreciate that input.

District Attorney Matty Ryan has been district attorney for a long, long time here and has enormous experience. He has probably seen this grow from the first time it became known as a problem to today.

I look forward to your perspective, Matty.

STATEMENT OF MATTHEW J. RYAN, DISTRICT ATTORNEY, SPRINGFIELD, MA

Mr. RYAN. Thank you, Senator, members of the panel, and citizens. I think I perhaps as much as anybody am aware of the drug problem and how it has affected us. We are going to be destroyed from within by drugs probably more than anything else that I am aware of.

I was a district attorney since 1959. When I took office I had two assistants, one secretary, and two counties, Berkshire and Hampden. The population was the same if not more than it is today, and today with the support personnel and with the police center attached to our office we are over 100. If we could knock out narcotics tomorrow morning, we could go back to the two prosecutors I had in 1959.

More than 50 percent of our caseload is dealing directly with narcotics, with an additional 25 percent being drug related. Most of our child abuse comes about as a result of drugs.

Someone asked what can be done about it. I for one recognize the fact that there are always going to be suppliers. The money is too great, and there is so much greed. If you knock one out, someone else is going to step in. So, we have to get at the demand.

We submitted legislation as far as the users are concerned to cut out the demand. It is a proposal, and we are hoping it passes, whereby first offenders with no prior record at all either get a mandatory jail sentence of 30 days or, in the alternative, they submit to drug testing, they go to a school comparable to the drunken driving school today and they pay a fee. If they do not want to do that, then they can serve the time. As it progresses, if you become a second offender and a third offender, the mandatory sentence comes into effect. This is something we have to do to cut off the demand. There is no question about it.

Let me give you some statistics. Nobody enjoys listening to statistics, but let me tell you something. First of all, you cannot believe what is happening to the juveniles in the city of Springfield concerning drugs. It is escalating. It is about eight times what it was 2 or 3 years ago dealing in narcotics directly. I am talking now not about the 16-year-old who is on the threshold of manhood but the 12- and 13-year-old kids who are dealing and who have younger kids peddling it around the neighborhood.

Now this has nothing to do with Holyoke, Chicopee, Palmer, Westfield, or anyplace else. This is in Springfield district court. This is through the month of August. The number of defendants, narcotics cases, 3,766 total number of charges out of 7,800. That is this year. Last year, 1988, for 12 months, 4,092 defendants, a total of 7,436 charges. This indicates that we have almost doubled it so far this year. It is going up. Our supply of moneys and personnel are going down.

Now we are probably one of the only district attorney's offices in the State that has allowed the city to supply prosecutors to handle misdemeanor cases in the courts. That has been cut out because, as Mayor Hurley indicated, no more money; as Marty Dunn has indicated, no more money.

Our budget is not level funded. We have been cut in our budget, so that now we have probably 12 less prosecutors for the cities and towns and no one to take their place. I cannot replace people who have retired or who have left to go into private practice. Our assistants have not received a pay raise in I think it is 6 years. This is ludicrous.

Probably the worst thing that has happened which makes you want to cry—maybe not cry but fight a little bit or hang up on someone when they talk to you on the phone—we had a situation about 8 or 10 years ago when the State wanted to take over the training school at Agawam. They wanted a training center for police which, of course, has reached tremendous magnitudes, as the paper this morning indicates.

I went and spoke to the county commissioners. The person who perhaps was strongest in our corner as far as this was concerned was Tommy O'Connor. I said what we need in the western part of the State is a crime lab for the four western counties.

It is sickening to see people being taken out of service and going to Boston to bring narcotics down there. We have a chain of control

and command as far as that is concerned, so you have to send them. They are out of service all day. Our departments are short.

We have a lab up in Amherst which is backlogged with cases, but at least it suffices to some extent until such time as we can get a lab in the western part of the State.

I get a call from the head of public health telling me they are going to close down because they are going to save $200,000. We will spend $1 million in sending police down to Jamaica Plains, and in addition to that we have a 6-week trial mandate for people who are being held.

If we have a problem, as the recent cases indicate, where we may have to bring the chemist in as a result of a Supreme Court decision, we will never get them out from there. If there is a conflict at all with Boston, you know damn well that Springfield, Holyoke, and the western district are going to get nothing. These cases will be thrown out, and traffickers are going to be walking.

As Marty Dunn has indicated, a number of police personnel are being cut in Holyoke and a number in Springfield. We cannot take people out of service. This most ridiculous thing of saving $200,000, frankly, I will tell you what I think it is. They think if they close the lab that those people who work at Amherst will not go to Boston. Frankly, I do not blame them, but they will not go, and they will give up their jobs, and that is how they are going to save $200,000 at our expense.

You ask us "What you can do?" Get us some money to open a lab and get this back to us. This is not a hell of a lot of money. We need it. These are desperate times, and desperate times demand desperate means. You can do it; we need it. We are not going to get it from the State. We just are not going to get it from the State. We have tried. Everybody here combined are trying to do everything they can.

John Coleman has been fantastic to work with on the task force. Do not let anybody kid you. The police here, the chiefs from Holyoke, Chicopee, Westfield, they have people who are part of our task force, a unique organization. They work well with local police. They look for no credit at all, never look for publicity.

I have four officers. I am sure no one around here knows that. I have four officers. We have people hidden.

I have never been over to the task force office. I do not want to tip off where it is. We stay away. It has been very effective. It has probably been one of the best working relationships of Federal Government, local government, and State government that I have seen. I think we need more of it.

You can do that. You can help us, but we need money desperately for the community. If we do not win this fight, the country is going down the drain.

Thank you.

Senator KERRY. Matty, I appreciate that. I could not agree with you more on the issue of that lab. That is just absolutely crazy to lose the capacity to do that. Part of the problem in quick prosecution even in Boston is the amount of time the labs take. The labs ought to be upgraded so that you can run the tests on these things in a matter of a short time and bring them back fast enough so that you can begin to take people off.

I will do what I can on the lab thing immediately. I do not know how it is going to fit into the large piece the President may propose in terms of assistance.

We voted to try to fully fund last year's bill by taxing cigarettes and liquor. We got 27 votes in the U.S. Senate, so you know we have a fight ahead of us here.

Mr. RYAN. I have no preference. I do not care if the money comes from the State or from the Federal Government. All I know is everybody here needs it and needs it now.

Senator KERRY. I understand that.

Mr. RYAN. We cannot win the fight unless we get it.

Senator KERRY. Let me say to the other panelists that we have wound up going kind of down in order. This is not that kind of portion of the hearing. I am not going to stop, per se, but we only have about 15 more minutes. So, it is a question now of anybody jumping in. If you want to comment, if you want to add something, this is the moment to do it but it is in a far more freewheeling way.

I do not want anybody to feel, particularly you, Chief, because you are over here at the end of the line, and you, Captain, because you are at the end of the line, that somehow you are being discriminated against in that respect.

I will offer you the chance to even lead off now if you have a comment that you really want to make, but I would like to sort of again float the question out there.

We are currently spending $6 billion on the so-called drug war, and that is for everything. That is FBI, DEA, treatment, education, INS, Customs, the whole aspect of Federal Government that is directed toward the drug war.

The President is talking, we hear through the newspapers, about maybe an $8 billion drug war. That means maybe another $2 billion added to it.

I will tell you that the drug bill that was passed last year called for $2.7 billion. It has not yet been fully funded. There is $1.7 billion of it outstanding.

So, if the President proposes $8 billion, an additional $2 billion, that means that we will not even be at the level that last year's bill proposed in terms of what we thought; and when we proposed $2.7 billion we were not filling out a wish list. We were simply trying to approach the budget issue reasonably and address what we thought we could spend.

I have heard the sheriff, and there is no question in my mind. I am in favor of creating or recreating the Law Enforcement Assistance Administration. I think we ought to go back where we have direct grant money coming into communities where task forces and so forth and education programs can get money.

My question is, If we are at $8 billion next Tuesday night, is that going to be deemed to be adequate in terms of waging a war, or what should we be looking for?

STATEMENT OF ANTHONY RUBERTO, DISTRICT ATTORNEY

Mr. RUBERTO. I think if you are talking about $6 billion already and assuming that is a base, then you are talking about another $6 billion in the United States.

I think that you are absolutely correct in your assessment that the money has to filter down to the local level, local prosecutors and local police departments. This problem has always seemed to me with Federal funds——

Senator KERRY. Also treatment and education.

Mr. RUBERTO. No question about the education. I think your numbers of 50–50 are right on target. There is no question about that. I agree with everything that has been said. I do not want to reiterate it. We need education.

I testified before Joe Moakley's committee years ago that we had lost the war and we ought to get into education, so I do not want to rehash all of that.

It has to come down to the local level, the local prosecutor, the local chief of police. The problem with Federal moneys being spent at Federal levels is for the most part they are big bang operations, the million dollar seizures, the first story on the 6 p.m. CBS news. That is what you are looking for.

I come from Pittsfield, MA. We have as rural an area as you are going to find. John, nobody wants to come out to Berkshire County. Nobody wants to come to Berkshire County to help us. You do not make the CBS news with a raid in North Adams.

Let us have the money. Let us deal with our problem. Let us get our lab back, and let us prosecute.

Senator KERRY. Chief.

STATEMENT OF BENJAMIN F. SURPRISE, CHIEF, WESTFIELD POLICE DEPARTMENT

Chief SURPRISE. I would just like to say something. Not to be redundant about what everyone else has said, I come from a city which is now approaching 40,000. I am working with the same manpower that the police department had in 1975.

We have been very lucky in most cases with money, but I have been told in the last few days to look forward to losing some police officers. I have 52 patrolmen to handle a city of 47 square miles and approximately 40,000 people in a growing city. I have one man I assigned to the task force, and his going over took 14 percent of my detective bureau. Just sending one man is 14 percent of my detective bureau.

Now I have to lose some manpower, which I am facing strongly, and curiously it ends up it is exactly the money that we have in free cash, and I may lose some more.

My detective bureau is working within a given time because I do not have the overtime money to try to make these arrests off the street.

I have been a member of the National Guard for 32 years. When they say that they are going to spend millions of dollars throughout the country to give to the National Guard, the National Guard is a wonderful organization, but they do not know what they are doing in fighting the war on drugs.

You have to get the man off the street. The dealers or somebody is bringing it in, but we are going crazy trying to take care of all these breaks, the assaults, the robberies on the street. The war on crime is only to be won in the trenches of each city and county in

this country, not in Colombia, not in Brazil. It is not going to be up with their blimp on the Mexican border or in their headquarters they have in Oklahoma City. It is going to be in the trenches, and it is going to be won by this task force which combines the Federal, State, and local police officers.

We are all busy. I know the chiefs in the other departments. Our department has not increased in manpower since 1975, and I am going to lose some of that because I do not have any money. The mayor is losing money, and we have to come up with $1.4 million or even more than that to even exist if we stay at the same level.

I do not have the money for overtime. These people are frustrated. We cannot even get into the court system. The Westfield district court is right next to the police station. Our guys are marching them over in the morning and arresting them that night and bringing them back into the station because they are walking out the door. The breaks are unbelievable.

People have got to realize that this is what is causing it. Sure, you have people making millions of dollars bringing it into this country, but it is costing billions off the streets. It is the people who are using it. As long as you have somebody who wants it, you have somebody who is going to sell it. If there is no demand for it, you are not going to get any money, and nobody is going to make money. You have to get to this demand.

I have heard them criticize the sheriff over here. The sheriff is limited. Everybody says let us rehabilitate them, but the people he gets are beyond that. You have to look at punishment. Jails are for punishment. Prisons are for punishment. Rehabilitation has been tried before they get there. When we get this problem in the street, if they do not get that money down here on the street, then bullshit on the war. It is not going to be won.

We did not win World War II in Washington, DC. We won it because the guy got out there in the trenches and fought his ass off and he won. We won because of him. It is the same way with any war you look at. If you do not get down in the streets in the cities and towns that have these problems, if we do not have any money and no cops out there, you can spend all you want to on the National Guard, you can spend all you want in Colombia, and it is going to flow.

You can put a dog in every major airport, put 100 dogs in every major airport. I have an airport in Westfield that you can fly in and out of every night, and there is nobody there. You can bring more cocaine into Westfield without anybody seeing you than you could ever bring into Kennedy Airport. You can land anything at Westfield on a 2-mile strip unless you have a 747. It will hold anything. We have the Air Guard there. They go in and out of there with C–141's, with many tons of equipment.

You can bring all you want in there. You have the runway. There is nobody to protect it. We do not have the manpower. We are working in shifts that are unbelievable. I have the detectives but, like I say, they are running straight.

We have caseloads. We have a file drawer. I was head of the detective bureau from 1979 to 1983 until I became captain. We had a drawer for district court cases that was about one-quarter full. We cannot even get our district court cases in one drawer now because

we cannot even get a trial. That is just next door. If we do get a trial, they do nothing except send them out and tell them to be good. They go right back, whether it is for drugs or alcohol or whatever.

We have a serious problem. We idolize alcohol in this country. We have to change our thinking in this country. Either we want to win it really or we do not want to win it. As long as we idolize and all this money is spent, the money these druggies make, there are high priced attorneys who live off it. They are just as bad as the drug dealers themselves, tying it up with motions, motions, motions. You do not even get to see the district attorney. His men are so busy fighting motions, we do not even go into court. Then everybody forgets about it, and the guy is out there making more millions, and the attorneys are making millions.

I am not saying we should do away with the rights of people, but we have to start looking at what is right and what the Constitution says and what we want in this country. We do not want to deprive anybody of their rights, but I think we have gone overboard. We have been doing this for 15 or 20 years, and it is hard to change.

The people who have created these drug addicts are people who were coming in the 1960's and 1970's into the drugs, and it is hard to do unless you really want to get serious out there.

Do not do it with grants. I have no one to write a grant. I would never get a dollar in grants. They have to give it out to the cities and towns and the police departments so that they can be fair to each one. Do not make me hire a grant writer when I do not have one.

That is where it has to come. It has to come down into the streets and the cities and towns.

Ms. HURLEY. John, a couple of things. In the draft of the national drug strategy that was put together by William Bennett, there are two elements that are critical that are not there.

First of all, there is no provision for antidrug funds to go directly to cities and towns, and there is no significant increase in the amount of funds to be provided. Guess where they are getting the money for the increases that they do suggest? From domestic programs for the most part.

It is almost as if they are asking us to turn the other cheek. I simply refuse. I am saying for the record publicly if you do nothing else, get them to realize that money on the Federal level that is spent on the Federal level is just going to pump up the bureaucracy.

It is not going to get me anymore treatment facilities. It is not going to help me put any more officers on the street. It is not going to help Springfield, MA, or any place else in the Commonwealth to deal with the particular problem that we have with the drug situation. They have to recognize that they mst send us money.

The chief is right. I have grant writers. I have applied for private funding because I do not have a source on the Federal level that I can go to. We have applied for eligibility for up to $3 million through a private foundation, the Robert Wood Johnson Foundation.

I put together citizens from across my city from every segment, from law enforcement, from education, from treatment. I am teed

off about drugs, and I am going to do something to the best of my ability with treatment, education, and enforcement. It sure helps if you have money to go along with it.

Mr. RYAN. John, you had suggested before starting the LEAA over again. I do not think it is a bad thing. We would all be represented, most people who have something to do with law enforcement.

I was a district attorney representative on LEAA, and I know how effective it can be. I think that might be one way to get funding in here and get it on as equitable basis as possible where you all can submit your arguments as to why you are entitled to x number of dollars. I think that might be one of the best things.

Senator KERRY. Certainly as far as law enforcement.

Mr. RYAN. Certainly as far as crime is concerned. If you take it on a per capita basis, on a case-by-case basis over this country, we are way up on the top, and so we would get more than our share if in fact they do it equitably.

Senator KERRY. Chief, did you want to add something? I thought you were waiting to speak.

In terms of the treatment issue, I thought a very important point was made by Suzanne Quinn about the waiting list issue. I think it was Suzanne.

I happen to support the concept of treatment on demand. That is obviously more expensive. I think we are spending something like $13 million on treatment in Massachusetts. I am told by some people that for four times that you could probably have treatment on demand in this State. That is not a reflection of the total number of addicts but rather those who are ready to come in and ask for help or are prepared to use it by reference. That would sort of take care of that number.

If that is true, it strikes me that we ought to be able to afford it nationally even though it may be expensive. The question is, Do each of you support the concept? Is that something we ought to be fighting for as part of this component of the so-called drug war, or can you fight it at the margins and have sort of what you call adequate access to treatment? Is there such a thing as only adequate, or is adequate defined as "treatment on demand"?

Does anybody want to tackle that?

Mr. SURPRISE. Well, if you are talking about treatment, naturally; but I think in some cases you are going to have to get into a forced treatment.

Senator KERRY. I agree that is part of it.

Mr. SURPRISE. It is going to have to be where there is some means of keeping track of this person to see the time he is spending there is not just to avoid going to jail and starting over again.

Senator KERRY. It seems to me you can have a situation where a judge, if it is going to be a forced situation, is sitting there with no option.

Mr. RYAN. That is what this legislation that we are filing has. There is an option. Either you go to jail on a mandatory basis, or you submit to this testing. Also, you have to be treated, you have to go to school, you have to pay a fee, and you are supervised by probation. I think that is the alternative.

That is the same thing, because in effect when you are in court and faced with a charge, you are looking for treatment on demand at that particular time but you are not going to get it for nothing. You are going to pay for it.

Senator KERRY. I understand that, Matty. What I am suggesting is I think it is a good idea, and I think you ought to have it. I think one of the things you need to do is begin to change the ethics so that the casual user begins to understand they are going to pay a price in this process.

The problem today is that the judge has nothing to offer. There is nowhere to say you are going to go to a center.

One of the measurements that I think is important for next Tuesday is are we going to quickly set up on surplus military property or whatever major centers for those kinds of referrals or detentions so that we begin to change that whole ethic about use?

Ms. HURLEY. Mike Ashe has a driving-onto facility. It is not at the jail. It is a separate building. It does a magnificent job in terms of programs, in terms of the whole educational process and treatment not for the hard core but for the person who gets stopped for driving under the influence.

I think the same type of effect could be had with the drug user to get at the demand side, because who here among us wants to go and tell their boss, "Gee, I will not be here for the next 30 days because I have to do 30 days time because I got caught with marijuana or cocaine or whatever it might be."

There is a lot of social use. In some ways it is our fault because we let it become socially acceptable and a part of the social fabric to do marijuana or cocaine. Now we have crack out there that is killing people. Unless we get to these people early on and get them into the mode of it is no good, you just cannot do it.

Let us open up some of those barracks.

Senator KERRY. Commissioner.

STATEMENT OF ARTHUR KELLY, COMMISSIONER OF PUBLIC SAFETY, NORTH ADAMS, MA

Mr. KELLY. One of the issues I want to raise is, very briefly, very basically, that all of us on the intellectual level can understand the need for prevention through education. All of us need that in order to cut down on recidivists. We have to have adequate treatment programs.

Most of us come from small communities. I come from a very small city. If you think Pittsfield is far away and no one wants to go to Pittsfield, we are 45 minutes on the other side of Pittsfield; but the snow has cleared from the passes, and it is safe if people want to come.

It has 18,000 people. I can understand the need for education and the need for treatment, but right now we are losing in the street. People turn around and say what are you talking about in terms of dollars. So, the lab closed? So, you have to go to Boston? So, that is going to cost me, based on the same number of trips that we took last year, $9,000 more just to haul evidence back and forth because there is a cut.

We are concerned about education. We run a DARE Program. I am running into a problem of how to staff my basic cruisers because we are looking at budget cuts. What is going to go first, the DARE Program in the school or the cruiser that is going to respond to the call for help? We are going to end up losing the DARE Program if we do not get some help on the local level and get it done.

Of the $2.7 billion Federal program, they only funded $1 billion of it. You have to do it in terms that Washington can understand. What we would like is one-quarter of a B–2, like the right wing. It is not a lot. [Applause.]

It is not a lot, and we promise not to abuse it. I will tell you this. If you give us the money, our program will fly.

Senator KERRY. Let me just comment to you that I made a presentation to my colleagues in the Democratic caucus when we were putting together the drug strategy about a month ago. In it, one of the charts I had, Chief, showed that over the last 8 years of the drug war the price of cocaine went dramatically down from about $60,000 a kilo to less than $10,000. The number of people in prison, Federal and State, went way up because people like John Coleman and others were making a lot of arrests and doing their job. The numbers of funds for the operation stayed at the same low level or went down. The number of police officers fighting the so-called war was almost steady nationally throughout that 8-year period.

So, the same number of people, far more cocaine, far more incarcerations just underscored how difficult it was.

With respect to the B–2, I then on the next chart compared the cost of one aircraft carrier group of $3.2 billion, the cost of one B–2, and the B–1's we have lost in the crashes would have made a difference. The total amount is far more than we are spending on our supposedly most important national security issue.

I have to unfortunately cut this off now because we have run well over time. I want to say to you I do not think I am cutting off any of the dialog in the sense that I think it really has been very, very helpful.

I can assure you that my staff is going to make a personal effort to circulate a compilation of the testimony we have been gathering over the course of the last week because I have found it dramatic. This is not a scattershot situation where one mayor or one district attorney or one sheriff has a problem. This is systemic. The entire system is straining, and I think our citizens feel it in no uncertain terms.

People are right who have said that there is a response demanded. We have to come up with it, and we have to come up with it now.

So, I want to thank every single one of you for your efforts, and I particulary want to thank you for taking part today.

Let me reiterate, if you have anything you want to add or if there are any additional statements you wish to make, they will be made part of the record if you submit them to us in writing over the course of the next week.

With that, this subcommittee meeting of the Foreign Relations Committee stands adjourned.

[Whereupon, at 11:26 a.m. the hearing was adjourned, to reconvene at 2 p.m., September 1, 1989, in Worcester, MA.]

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DRUGS, LAW ENFORCEMENT, AND FOREIGN POLICY

FRIDAY, SEPTEMBER 1, 1989

U.S. SENATE,
SUBCOMMITTEE ON TERRORISM, NARCOTICS AND INTERNATIONAL OPERATIONS
OF THE COMMITTEE ON FOREIGN RELATIONS,
Worcester, MA.

The subcommittee met at 2 p.m. in City Council Chambers, 455 Main Street, Worcester, MA, Hon. John Kerry (chairman of the subcommittee) presiding.

Present: Senator Kerry.

Senator KERRY. This hearing of the Senate Foreign Relations Committee, Subcommittee on Terrorism, Narcotics and International Operations will come to order.

I would like to thank the mayor and the city of Worcester for their hospitality and for hosting this here in these chambers. We are delighted to be here and very anxious to hear the testimony this afternoon regarding a subject that is obviously of enormous importance to all of us as citizens of Massachusetts and as citizens of this great country of ours.

We are currently witnessing a most extraordinary threat to our communities, to our families, and to our lifestyle which is escalating daily in its seriousness and its impact.

Why am I here today? I am here today because as chairman of the Terrorism and Narcotics Subcommittee I have been and am privileged to play a central role in helping to expose the nature of this problem and display to the world the seriousness of the impact of a General Noriega and a Panama or a Colombia on the streets of Worcester, the streets of New Bedford, Springfield, Lowell, Boston, and all the townships and communities in Massachusetts and, indeed, around the country.

What we are learning is that there is a new form of terrorism at large. It is, in effect, what I call narcoterrorism. It knows no ideology except greed, money, and it will do anything to pursue money.

I want you to imagine that here in Massachusetts a candidate for Governor was assassinated while addressing a rally out here in the square, and imagine that the attorney general and the secretary of public safety were assassinated.

Imagine that half the supreme court was killed in Boston one day while they were at work in the very building in which they work.

Imagine that 50 more judges were assassinated while trying to perform their duties.

Add to that toll of official assassinations countless citizens who are killed in the course of their efforts to simply lead their lives.

That is not fiction. That has happened in Colombia, and the people of Colombia are now trying to fight for the preservation of their country and their government as a consequence of our demand for drugs, particularly cocaine—80 percent of the cocaine that comes into the United States comes from Colombia. The coca leaf is grown in Peru and Bolivia, it is processed in Colombia, and it transits through the Bahamas, through Mexico, Jamaica, the Caribbean countries, and eventually to Florida, New York, Boston, and other ports of entry here in the United States.

It is of epidemic proportions, folks. We are reading in the newspapers about a mother who would deliver her daughter to a rapist and then go out and do drugs with the person who raped her daughter. We are learning about 12- and 13-year-old kids who are being used as couriers for narcotics.

The Capital of the United States of America, Washington, DC, has become the murder capital of this country with more than 300 people murdered in the early days of this year in the course of cocaine wars on its streets.

Increasingly, I find that the frustration that I felt for the last few years of trying to get people to understand the depth and seriousness of this threat is felt across the length and breadth of our Commonwealth and, indeed, this country now, a nation that prides itself, justifiably, in having made many sacrifices in the pursuit of freedom, which has glorified freedom and been able to offer it to people in other countries all across the globe.

We now find our own daily freedoms threatened literally in ways that we never imagined. Senior citizens cannot walk where they used to walk for fear of going out in the daylight, let alone at night; citizens who decide how they will use their leisure time based on where they think it may be safe to go; and countless additional costs to us of locks, burglar alarms, increased insurance, car theft.

The reason I am here today is not to talk at you about this problem but to take with me from you back to Washington your sense of what really makes a war on drugs, because I happen to believe that this is a critical moment for us in this country. We cannot afford another rhetorical war on drugs.

I keep hearing people say, "Well, you know, we are losing the war on drugs." We are not losing the war on drugs. We are not fighting the war. How can you lose something you have not begun to fight?

I spent some years prosecuting in an adjacent county. I remember in the 1970's when I started one of the first drug task forces in the State what it was like to try to prosecute cases when you did not have the buy money, you did not have the undercover agents, you did not have the surveillance equipment, and you were lucky if when you caught people you had the courtrooms in which to prosecute them. That has gotten worse, not better.

We find a situation where our jails are so overcrowded that the criminal element knows that if they are caught the probability of

their going away and even going away for a serious amount of time is very little.

How can you have a criminal justice system that is supposed to deter people from committing crime when people know the system is bankrupt?

What moves me to a point of anger as well as frustration about this is that in the last few days in New Bedford, Quincy, Lawrence, and this morning out in Springfield, I have heard police chiefs, district attorneys, people who are leaders of the treatment centers, our sheriffs, the mayors, all say to me, "Senator, we need help. We do not have the resources. We cannot do this alone. We cannot do it at all."

I do not know what is more important, my friends. I cannot think of anything more important than trying to maintain the ordered institutions of the society that cares about standards and values and a way of leading our lives such as we have known in this country in the past. There is nothing more important.

We spend $300 billion a year of our taxpayers' money on the national security of this country, defense. We are spending only $6 billion on the most critical national security issue of all, the war on drugs. The entire Federal Government's effort for treatment, education, the FBI, the DEA, the ATF, for all those people involved in the so-called war on drugs is $6 billion.

So, it is my feeling that before we take weapons into space to protect us against Star Wars, we certainly ought to have the ability to have the weapons here on Earth that protect us in the drug war.

It seems to me that we have to establish a set of priorities about what comes first, about what is important to us. I happen to believe there is not one area that is going to win this. It is not interdiction or law enforcement. It is not law enforcement or education. My sense is that you have to have all of them simultaneously: treatment on demand; full education, Kindergarten through 12; adequate capacity in the criminal justice system to work; adequate interdiction; and so forth.

Today I look forward to hearing from a number of our opening panelists and then from the distinguished panelists that we have in an open session in a dialog your thoughts about what this community needs. You know this community. You know your schools. You know your people. You know your resources. You know what you need to win a war on drugs.

I would like to be able to go back to Washington and be able to talk firsthand about what Worcester's and the surrounding communities' views are about what makes a real war, and I would like to have your input today so I can measure when President Bush speaks on Tuesday night, and at the end of it I will be able to say, "You know, that is not what they told me in Worcester is enough, or that is enough."

I think it is important that we make Tuesday night a turning point in this rhetoric process, that we make Tuesday night the time when we really begin to come together and establish a first sense of priorities about how we are going to restore our communities and reclaim our streets. I cannot think of a higher order of priorities.

I am delighted to be joined here by the distinguished mayor of the city and by others whose experience in law enforcement or in treatment or in housing is significantly greater than mine. I look forward to their input.

Let me introduce all of the participants, if I may, and then I will turn to Mayor Jordan Levy for his opening comments.

In addition to the mayor, we will be joined by my former colleague in law enforcement and a long, long-time public servant and district attorney of this county who does an outstanding job, I believe, District Attorney John Conte; the Commissioner of Public Safety from Gardner, Tom Engle; the Director of Quality Assurance from Spectrum House, a substance treatment facility in Westboro, Karen Orsini; and the Assistant Executive Director of the Worcester Housing Authority, Dan Moynihan.

We have tried to hear from different sectors, obviously, which are contributing to the effort. I would say at the outset I understand that we are not having all sectors. I have heard previously from people in education or from other areas. I want to assure you those are all being factored in. We are limited, but I did want to hear from those who are charged specifically by the public by virtue of the positions they hold in our institutions in the process of waging this war on the front lines.

Each of the people I have just mentioned will make an opening statement. Then I am going to turn to a more open dialog where you just jump in, speak your mind, and comment on what you have heard. If you think things have been left out, add them. If you have criticisms or comments, I hope you will make them at that point in time.

The rest of the participants in the open dialog will be Mayor Jeff Bean. I understand he is detained in Boston, but he may be here. We do not know. Hopefully he can get here.

Captain Carbone from Fitchburg is here. Mayor Perla, Chief Peter Roddy, and Officer Skip Borque, all from Leominster, are here. Chief Tom Melia from Northbridge is with us, as well as Lt. Alexander Donoghue from the Worcester Police Department. I am delighted that each of them has found time to join us.

Have I left anybody out?

Chief Miller from Auburn, we are delighted to have you here, also.

Without further comment, let me say that if you have written testimony, your written testimony will be made part of the formal record of these proceedings. You can either submit it and we will make it part of the record as if read in full, or you can choose to read comments from it or simply spontaneously, as you may see fit.

Again, my thanks, Mr. Mayor, for hosting us here in this beautiful chamber. I am delighted to be able to turn the table over to you.

STATEMENT OF HON. JORDAN LEVY, MAYOR, WORCESTER, MA

Mr. LEVY. Senator Kerry, as mayor of the city let me first welcome you and our other guests to our city for a most important dialog, probably the most important dialog which we will all have opportunities to discuss today and which will hopefully be ongoing.

I appreciate your efforts as a U.S. Senator in being here and taking the leadership in this country, and I do mean leadership in this country, in stating very emphatically where this country has to go and setting some direction for it.

Furthermore, it gives me the opportunity to say on a personal basis that you have been an excellent U.S. Senator. You have been in this community very, very often, and I appreciate that as mayor of the city. You have been there when we needed you, and you have been there adding that assistance certainly to me and my colleagues in the city government. We appreciate that.

I will try to be as brief as I can because there are a number of people here who deal with this every single day of their life. That is their living.

I can fully relate as an individual what is happening in Colombia. I have a tremendous understanding, as we all do, about the issues that you brought out, the terror, the anarchy that is taking place there. I understand what I read and what I hear about dealing with the cartel and the types of individuals that have been involved.

What bothered me is what happens when Colombia comes off the front pages of the newspaper. What happens when it is no longer on those front pages, and what happens when the issues that happen in Washington week after week are no longer the primary issue that we have been reading about for the past week? That is what worries me now as mayor of this city and certainly as an elected official of this community.

What happens is the real problems will still be here if we still do business the same way we have been doing it for a number of years. The problems will be on the streets of Worcester. The problems will still be in our schools and our parks. The problems will be in the workplace, and we will continue to talk about a problem. We will continue to talk about numbers and arrests and all the things that are important.

I do not think we are really getting to the issues. Certainly I have not seen the changes in our community. With the number of arrests the district attorney has been able to pull off in this community, the problems are still there every single day. Our resources are drying up at a rapid rate, and we do not seem to be able to respond.

I am afraid our young people will still be using, selling, and dropping out of society. With a new generation the drugs will surface with a new market that will take its place.

All of the military and economic support that can be mustered will fail if resources are not funneled directly into the urban centers like the city of Worcester and the towns that surround the urban centers. When we have limited financial resources as the Federal, State, and local governments, you must ensure that the resources are spent in areas where the long-term investment is most fruitful. I do think what we are talking about here is investment.

I do not believe that the Federal Government has been or is willing to do this. Certainly I hope that is going to change, and I hope the President will make those announcements on Tuesday.

We must develop a mechanism where education is the key element, not just military intervention. Putting together band-aid ap-

proaches on a hemorrhage is not going to resolve the problems that we have in my community. The problems are not being addressed, and certainly I hope they will be addressed much more forcibly.

We must begin to educate our children before they start school, not after they are in school, not after they are in high school. We must be able to get to preschoolers and their parents, door to door, neighborhood to neighborhood, house to house if necessary, because that is the way combat is fought, door to door, house to house. If there is going to be a war, we must provide the necessary resources in order to do it in our neighborhoods.

We must be able to continue as an ongoing process drug and alcohol education and drug and alcohol resources in order to be able to reclaim some of the people who have fallen ill to this.

We must address growing dropout rates in our schools, and without resources we cannot do it because once they are out on the street then obviously they become easy prey to the problems of what the drug culture is all about.

I know young people out in the street with nothing else to do will find the easiest route to make money. The easiest route is to peddle drugs. The fastest and most comprehensive way that they can make big bucks is on the drug market. They find a marketplace for it, and it goes on and on and on.

We are not winning that war. Our dropout rates are continuing. The Federal and State support for education is going down each and every year. If we cannot generate a Kindergarten through sixth grade program in the Worcester public schools this year because we are $270,000 short of doing that, if we cannot fill vacancies in the Worcester Police Department because we do not have sufficient moneys in order to do that, if we cannot give Lieutenant Donoghue the resources necessary to go out there and pick up the drug pushers off the street and get an education program for the children, then obviously we are failing and failing miserably.

We need professional staff development in our schools. We have to spend some money in order to train our teachers and our resource people what to spot, what to do, and how to respond to it. We need the outreach people to go into the homes to find out why the children at 9, 10, 11, and 12 years old are habitual drug users at that age and are already peddling out in the street.

We need the funds for local police support to keep our streets safe, and that money should be funneled somehow. I am not exactly sure how you would be able to do this, but it has to come directly into the local communities and local support. By the time the bureaucracy breaks the funds down and we get a piece of that action, we are really left out of it. We have to have the coordination of the moneys coming directly to support the services that we in the community feel are necessary.

We need to provide support to get our kids off the street in the summertime, because as I looked at the problem in readying to address you I looked at what happens to the city when school lets out at the end of June, as the kids hit the street and have nowhere to go. What kind of resources are we going to have to tell them that drugs are not the easy answer but gainful employment, education, and summer programs may be.

I know we cannot do it all in government, but I think with the billions and billions of dollars that are being spent all over this world, the people that we are forgetting are the people in the United States. We are very good to a lot of countries, but we are forgetting our own backyards. I take some exception to that.

Certainly, in conclusion, the seriousness of the problem continues to escalate in our community. Senator, I do not get hung up on numbers. I really do not. I do not get hung up in percentages, and I do not get hung up on people telling me that we are winning the war or losing the war.

For every single youngster and every parent that comes into my office almost on a daily basis with the critical needs of where they send their daughter or their child who is heavily into drugs, how do they respond to a brother or sister or father or mother who has children at home at a very young age, and they come home each day after we try to teach them the right way to do things and they see their mother or father shooting up or peddling out of their own homes, I do not have those answers.

I really believe that we have to address young children quickly, and we have to have the resources to tell our young children that there is a better way. I honestly and firmly believe that education has to be the primary vehicle if we are going to win this war down the road.

I really believe that if we put a lot of resources into stopping the drug traffic, that is an important stopgap measure; but if we really want to eradicate the dangers of this society decaying in hell because of the abuse of drug abuse, it has to be by education.

It has to be by education starting with preschool, and I would urge the U.S. Senate and certainly urge you as a leader in that Senate and urge the President to move forward quickly with support of educational services in the local communities so we can get the job done the way we are capable of doing it.

Again, I appreciate this opportunity to testify, and I thank you very much for being in our city and for being so open and willing to listen to people at the local level on some of the problems that we have.

Thank you very much.

Senator KERRY. Thank you very much, Mr. Mayor. I appreciate that statement.

District Attorney John Conte.

STATEMENT OF JOHN CONTE, DISTRICT ATTORNEY, WORCESTER, MA

Mr. CONTE. Senator Kerry, I, too, want to thank you very much for bringing your subcommittee to the city hall here in Worcester today.

I know that a lot of the testimony that you are going to hear is going to be repetitious, and I am sure that you have heard it all; but it still has to be said because we need your help and we need it badly on the Federal level.

We are very much appreciative of your efforts to hear some of our concerns here today and hopefully to help solve some of our problems.

Drugs, as you know, is without doubt the single most important problem facing law enforcement in our society today. Drugs breed many destructive forces, among them violence, corruption, AIDS, and death.

We represent 60 local communities. Economically, these communities are in tremendous economic binds. Their budgets and local aid are being cut. Yet, it is ironic because intense, tough law enforcement works in the other direction.

We must realize that more law enforcement means more investigations, more sophisticated equipment, more education and training, more arrests, crowded courts, more overtime for police officers, for part-time police officers, crowded labs and crowded jails.

Before we go to the negative side, however, let me tell you what has been happening on the positive side and try to point out some of the things that are needed.

Our policy and attack plan in Worcester County have been developed over a number of years. The cornerstone of our policy is to reduce the demand for drugs. Our policy's component parts include strong law enforcement, education, rehabilitation, and cooperation.

Law enforcement in Worcester County in the past 2 years has been in the middle of an explosion, a revolution. Arrests are at their highest level. Conviction rates have soared to unprecedented highs. Our conviction rates run in the high 80's and sometimes reach the 90 percentile.

Sentences are much longer. Four or 5 years ago people would be receiving probation or suspended sentences. Now it is prison. I will give you very interesting statistics that bear this out. Probation in the superior court in Worcester over the past 3 years has dropped 65 percent, so much so that they have moved superior court probation offices to other areas of the criminal justice system.

We have eight drug task forces operating in Worcester County with special forces in Worcester and parts of Worcester. As the newer task forces acquire training, knowledge, and expertise, they will be also highly successful. We have enjoyed much recent success with the task forces, also with the towns of Leominster and Fitchburg, and a highly successful day-to-day working relationship with the city of Worcester. We have worked major cases with the FBI, the Drug Enforcement Administration, and the U.S. attorney's office.

We have been moving at a fast law enforcement pace. We should not cut back at this time. Rather, we should be able to go forward. We have several problems. One, of course, is that all prisons are anywhere from 40 to 60 percent over capacity in Massachusetts. The Federal Government probably should help us. The tougher we get, the more space we will need in our prisons.

Court facilities and court space in the Commonwealth are in poor and inadequate condition. For deterrence to be effective, drug offenders must know they face the enhanced risk of going to prison quickly and without delay.

I have a suggestion. We have a Federal court in Worcester. The U.S. attorney could designate some of our attorneys as assistant U.S. attorneys, which we have done on special cases in the past, and present some of our drug cases on a Federal level. The offenses

are the same. The jurisdiction is there, and it would relieve the State courts and State prisons.

Our analysis labs are falling behind once again mainly because of the tremendous workload we have given the labs. We have gone as much as 12 weeks before an analysis is returned to the lab. If we are going to have sure and certain justice, this cannot be.

I have another suggestion, Senator. Maybe the Federal Government through the DEA could set up analysis labs in various jurisdictions to ease the State crunch.

We have a shortage of prosecutors. Our budget was level funded, and then it was cut by $191,000. We have lost nine positions. We are now running at peak, and drugs is everybody's No. 1 problem. How does anyone think law enforcement can go forward in this day and age by being cut? There is no leeway in our budgets.

The Federal Government possibly could help us here. In 1968 under the Safe Streets Act the Federal Government supplied additional prosecutors for the district attorneys' offices. At that time, the district attorneys only prosecuted in the superior court and not in the district court.

For us to prosecute in the district court, the Federal Government funded that program in 1968 under the Safe Streets Act, the so-called LEAA assistance. Many law departments and city departments received money back then.

What I am going to suggest is that maybe the Federal Government ought to take another look at that, because our police departments and our district attorneys' offices, as you stated, Senator, are back in many instances in the same position they were in in the 1970's.

In 1984 the legislature enacted a statute that required that 100 State troopers be assigned to drugs in this Commonwealth. A task force was set up in each district attorney's office. We got nine State troopers. Yet, since that time, 5 years later, our workload has increased 15 times.

Our efficiency, knowledge, and capability is such that we can handle any type of investigation. The more efficient we become in this field, the more we are capable of doing and the more we do. We need more trained investigators.

I am going to tell you that on a State level, the State police, the MDC, and the Massachusetts registry should be organized into one unit. The way it its run now is rather foolish, and we cannot afford what is occurring in those three divisions at the present time.

We should organize those units, and I think that would coordinate resources better and give us much additional manpower.

Before I conclude, I just briefly want to touch on rehabilitation and education.

Recently we made a survey of the programs available for treatment of drugs in Worcester County. In fact, we have been out to visit Spectrum House a couple of times. Although I am very impressed with the work at Spectrum House, it must be pointed out that Spectrum House and the privately run Doctors Hospital are the only residential programs in the area that handle any type of numbers. Let me tell you, that is totally inadequate.

Incidentally, the last time we checked, the average age at Spectrum House was 29 years of age. Now I do not know if it is still 29,

but it was then. Think of that for a moment. That means out there in the community, people who talk alternative sentencing and alternative programs and rehabilitation have to understand that they are not there. There are no programs for violent or for young offenders. Any significant drug strategy must address the need and lack thereof of necessary rehabilitation programs.

In conclusion, I know most of you have heard it all, but it has to be said. One of the most important concerns is to reach children at the elementary school level. Bring together the teaching profession, the medical profession, parents, and law enforcement officials to make our young people aware of the dangers and realities of drugs before they, themselves become directly involved.

Of course, it is not possible to reach every child or prepare them all in time. Tragically, a good number of children are exposed to the use of drugs, but the best possible chance we have of reducing the consumption of drugs within our society is to focus the best resources we can muster on the youngest children we can reach. It takes time, it takes money, but it is the right thing to do.

We have encouraged all police departments to do this, even if it is just a simple program.

Senator, again, I want to thank you very, very much, and I hope that you will take some of these ideas back to Washington. I know you will. I know you know what we are talking about, and I know you are going to make your best effort.

Again, we sincerely appreciate all your efforts. [Applause.]

Senator KERRY. Thank you, Mr. District Attorney, for, I think, a very articulate and important statement and a comprehensive one with respect to the problem.

I do, indeed, know. I remember so well that we only got our offices into the 20th century by virtue of the LEAA. I left the district attorney's office in 1979, exactly 10 years ago, and it is very sad to hear now that all of the advancements are suddenly back where we were at that point in time.

I do have legislation. You are not aware of this, and there is no reason you would be. Among the legislation I have in the narcotics area is the recreation of the LEAA. It is my hope that that will not be necessary because I hope that the President on Tuesday night will adequately supplant that with something. If not, that certainly is a fight that I intend to make.

Let me turn now to Commissioner Tom Engle from Gardner. We are delighted to have you here and look forward to your testimony.

STATEMENT OF THOMAS R. ENGLE, COMMISSIONER OF PUBLIC SAFETY, GARDNER, MA

Mr. ENGLE. Thank you, Senator Kerry. Many of us in the law enforcement community today are products of LEAA, and I commend you for your attempt to recreate that. It is probably one of the most important Federal programs we have had in the law enforcement community in the past 20 years.

I would like to thank you for this opportunity to brief you on the comprehensive approach that we have taken in the city of Gardner to address the substance abuse problem.

I have some good news, and I have some bad news. The city of Gardner has recognized that substance abuse is not just a police problem but a societal problem. The war on drugs must attack substance abuse on all fronts, the schools, the streets, the workplace, the home.

In Gardner we start with the elementary schoolchildren, Kindergarten through the fourth grade. This year we are starting the Safety Kids, which is a nationally known program. In this, members of our high school peer education group will actually be presenting programs to the Kindergarten through fourth grade kids at least two times each semester to each classroom. This is the high school kids working with the grade school kids. These are the kids that the elementary school kids look up to. This program is a national program and is funded by the school department.

Gardner is now in the second year of providing the DARE Program to the sixth grade. We would like to move that to the fifth grade at some point in time.

As you know, the DARE Program, Drug Abuse Resistance Education, is felt to be perhaps the best program available today for the elementary school age because it helps kids develop a method of dealing with peer pressure, builds their self-esteem, and provides alternative ways of saying "No" to using drugs, alcohol, and tobacco. This, too, is funded by the school department, the police department, and community donations.

Gardner High School is one of only four schools in the Commonwealth of Massachusetts to have a full-time peer education counselor. The peer education program has about 75 active youths who are trained to be good listeners, to be good role models, and to provide the right direction for the friends, their peers that they deal with in the peer counseling program.

The peer educators are also working with the elementary school kids, as I indicated a few minutes ago. This, too, is funded through the school department, community grants, and the United Way.

The peer education counselor and the high school principal have recently applied for Federal Department of Education grants in the amount of $75,000 to develop a Kindergarten through 12 curriculum to address the abuse of alcohol, drugs, and tobacco. If awarded, this will fund two positions; No. 1, to develop and teach the program; and No. 2, to teach parental education, which we find to be severely lacking in the area; and to provide assessment for the program.

We have been notified we made the first cut. Anything you can do to help us in the final analysis will be greatly appreciated by the community.

Mount Wachusett Community College, located in Gardner, has just been awarded a grant to develop a model substance abuse prevention and education program for the college. This project will spill over into the community because of the close relationship that we have with the community college.

We know that to be successful in the war against drugs we must change the attitudes about substance abuse through the educational programs; but we also know that we must investigate, arrest, and incarcerate.

Gardner is the lead city of the North Worcester County Drug Task Force. The task force is a coalition of nine small communities in northern Worcester County working very close to District Attorney Conte's office. These cities and towns are too small to have a viable drug enforcement program on their own. But together, they can provide manpower, intelligence, and equipment for the group.

Gardner has two people assigned full time to the task force, and each of the smaller communities provide at least one person on a part-time basis. The task force is funded through the cities and towns by the district attorney's office and by a Federal grant which awarded through the Massachusetts Committee on Criminal Justice.

Our task force could not be possible without this grant, although we hope to be self-sufficient in a few years if we are still here in a few years.

Staff and budget shortages amongst the cities and towns are becoming critical to the life of the task force. As the cities and towns are forced to lay off police personnel or to eliminate overtime, the task force no longer becomes a priority to those communities because they still must provide the basic public safety protection for their own towns.

We need a little more latitude on how we can spend those grant moneys in terms of payments of overtime and wages and salaries to the officers working in the program. Because of these budget cuts facing all of the cities and towns in the Commonwealth, we are now facing the decision of continuing all of these programs or putting them on hold. In doing so, we are putting the commitment to our youth on hold.

The substance abuse problem must be addressed nationally by the Federal Government, by a government that takes a position, not a political position but a very real position and commitment to provide the funding necessary to educate, to investigate, and to incarcerate. We need more jails and prison beds so that those arrested will understand that they will indeed serve time. This is not always happening now.

We need to change the national attitude on substance use and abuse. We need funding so the U.S. Coast Guard can provide the law enforcement function that they were getting so good at before they were cut so severely.

We need a commitment that the Federal Government is going to address the problem on a local level in the United States before committing all of our resources to foreign aid.

Thank you.

Senator KERRY. Thank you very much, Commissioner. We appreciate that.

We turn now to Karen Orsini, who is the Director of Quality Assurance from Spectrum House.

Karen.

STATEMENT OF KAREN ORSINI, DIRECTOR OF QUALITY ASSURANCE, SPECTRUM HOUSE, WESTBORO, MA

Ms. ORSINI. Good afternoon, Senator, fellow panelists, and all those present who know and recognize the vast problems we are facing.

I am here to represent Spectrum House, the largest drug treatment and research center in our State and the only comprehensive center with both residential treatment programs accredited by the Joint Commission on the Accreditation for Health Care Organizations. This is a coup for us and a statement of the kind of quality we try to give in our programs.

Our president and director of research are right now at this moment just 11 miles down the road meeting with CDC staff from Atlanta, GA, to try to increase our efforts at addressing the problems and furthering our research efforts for the drug addictions and the horrendous public health issues we must face squarely, AIDS, hepatitis, tuberculosis to name just a few.

These problems are not on the paper that I am referring to. They are in our Worcester schools, our hospitals, and our neighborhoods. Only a small number of the persons addicted are able to be served in our treatment system.

I am here to stress the need for continually monitoring and evaluating the treatment programs we do have rather than accept business as usual and deal with dollars and numbers, as if that alone would be the solution to the problem. It is true that moneys are needed now, but I know you have heard that from all of us.

I have intentionally stayed away from figures in order to stress the need to expend funds in a responsible and effective manner that can be evaluated and measured. More treatment slots must be integrated with the initiatives that will truly begin to reduce the risks to our communities:

Outreach services to those who simply do not access services;

Services to minority groups who are often reluctant to access traditional programs; and services to women, women needing prenatal care and serious medical intervention for their babies, many of whom are infected with the HIV virus and will die.

We need prevention services. We need education services, particularly to our youth. I am encouraged to hear that from all the panelists. That makes me feel like we are all on the same track, and I am really very encouraged.

New treatment initiatives spring from evaluation of existing programs and their effectiveness. We must utilize research and evaluation as a tool to explore new ways of responding to old problems.

We must explode the ridiculousness that addiction is a revolving door program and face reality. The very nature of the addictions is that, yes, there will be relapses. There is no hope unless we acknowledge the spectrum of the addiction problems and agree to move forward in managing the solutions rather than be defeated by the fear that we do not have immediate answers.

It is unfortunate that the dark specter of AIDS has shed light on the need for effective need for drug treatment, prevention, and education. The opportunities to work with universities, medical institutions, colleagues in the drug treatment field, and national

public health and research institutes provides the momentum and strength to tackle this program together.

We also look forward to the President's message and hope that you, Senator, will carry our messages and needs and ensure that they are heard. We at the local level here in Worcester are committed to self-evaluation to improve our treatment. Our board of directors at Spectrum holds us accountable to that effort, and we offer our assistance to you, Senator, to ensure accountability through information and education.

In closing, I would only ask that the resources so desperately needed are shared with great consideration to our responsibilities by getting the job done well. For too long, resources have been woefully insufficient. We have paid far too great a price for failing to effectively treat this problem, and it is literally killing us.

Thank you. Please come to visit us at Spectrum. One of the young ladies who is with me is a resident at Spectrum and is willing to speak to you.

Thank you.

Senator KERRY. Thank you very much, Karen. I think when we get to the dialog it may be possible to hear her thoughts about what makes a difference, and I will certainly try to afford her an opportunity to do that at that time.

Our last formal panelist before we get into the dialog exchange is Dan Moynihan from the housing authority.

STATEMENT OF DAN MOYNIHAN, ASSISTANT EXECUTIVE DIRECTOR, WORCESTER HOUSING AUTHORITY, WORCESTER, MA

Mr. MOYNIHAN. Good afternoon, Senator. My name is Daniel Moynihan, and I am the Assistant Director of the Worcester Housing Authority. We own and manage 3,400 apartments in the city of Worcester, and we lease another 2,000. We provide homes to almost 15,000 people, all of whom are poor by definition and many of whom have additional supportive service needs.

Illegal drug sales and use affects families and elders living in all of our apartments. Elders are especially vulnerable to threats and assaults, and security for them is a major concern of ours.

The most visible and dramatic effect of the drug trade has been seen at our Great Brook Valley and Curtis Apartments, a community you visited not too long ago. We have 1,000 apartments there and provide homes to 4,000 people.

At one time residents of the Curtis Apartments and our own staff would frequently find users shooting up in common hallways. Users would position themselves so they could see police as they approached. Blood-splattered walls and discarded needles were easily found. Parents feared that their children would step on a discarded needle with the very real threat of AIDS.

The single most effective deterrent to this open shooting up has been regular, highly visible foot patrols by uniformed Worcester police officers. Traveling in pairs, officers walk the community, stopping in the hallways and speaking to parents and youth. Some officers join in athletic programs coordinated by the local residents association.

These patrols have not eliminated the problem, but they have lessened it dramatically. We still see people hanging on street corners. Evidence of drug sales and use can still be found.

Police patrols are costly. Last year we spent more than $90,000 to buy this service. We appreciate your efforts, Senator, resulting in funds for security being included in physical modernization programs.

In addition to police patrols, a variety of drug abuse prevention programs and youth employment efforts are having some success, one of the most successful run by Spectrum House in our Great Brook Valley Apartments.

Eviction of families dealing in drugs is absolutely necessary. Families must be held responsible for the illegal activities of their members and guests. We hope that recent efforts in the Congress to weaken tough eviction laws will not be successful.

We would also like to see legislation which would allow a housing authority to keep all or some of the money and property seized in drug arrests. We would earmark those funds exclusively to purchase police services.

In closing, we would like to thank you, Senator, for your interest in public housing in general, the Worcester Housing Authority and Great Brook Valley in particular. We appreciate the vital role you are playing in helping public housing authorities.

Thank you. [Applause.]

Senator KERRY. Thank you very much, Dan.

Now what I would like to do in the time that we have left, we have a number of other experts who are part of our panel. I may call on you if we do not have some spontaneous bursts of enthusiasm of comment, et cetera, but I would like you to think in terms of commenting on what you have heard. If you want to add to it, suggesting that you may have a similar situation but yet somewhat different or more egregious, a bigger problem or whatever, we would be delighted to have that comment.

I am particularly interested in sort of the following notion from everybody. Anybody who has spoken previously we invite also to join in this dialog at this point.

In 1982 President Reagan said we are going to have a war on drugs. I think it was repeated in 1983, 1984, and 1985. I know that in 1986 the President said, "This will not be a rhetorical war, it will be a real war against drugs." That is a direct quote.

I know that the citizens I talk to are getting pretty tired of politicians who say things and then things seem to go on being the same way or worse. I think that our credibility is running out. I think that people have a strong feeling that there is a gap between the promise and the reality, and I think we have to deliver.

Incidentally, we passed a $2.7 billion drug bill in 1988 in Congress, and only up to $1 billion has been funded. I took an effort to the floor about a month ago to try to get that fully funded. I think we have succeeded in now getting a promise that it will be fully funded in a vote that we had on the Senate floor.

The point that I am making is that Tuesday either is or is not a turning point. We passed a law creating a drug czar. William Bennett has had 9 months to put together the strategy that we asked

for in order to wage a war. I think 9 months is more than was needed, but 9 months it is and nobody is carping about that.

As of Tuesday, we either are going to have it or we are not. If we do not have it on Tuesday, then on Wednesday we have to set about the process of getting it.

What is "it"? That is what I really want you to address as we go on from here. What are you going to consider adequate? What are the essentials of this war beyond this description of resources?

I have heard everybody say we need resources, et cetera. In education, what is the minimum?

In treatment, can you have less than treatment on demand, or must it be treatment on demand in order to have the full-fledged war? If you have less than treatment on demand, you are probably only fighting it at the margins, which is not a winnable strategy. I happen to believe you need treatment on demand, but I would like your input on this kind of thing.

As to law enforcement, it seems to me that the prison situation is the first and foremost target. You must have an emergency process set up to be able to take Federal military property or something and create a place to take people off the street rapidly.

You could even create drug courts. We have housing courts. We have traffic sessions. People have to go to court if they run a red light presumably or speed. The question is probably whether or not they should have to make the same kind of appearance if they are caught as a first-time offender with either public service or maybe a week in one of those camps learning why it is important not to be doing this.

It seems to me we have to take dramatic steps to begin to change the ethic which essentially has been accepting in terms of casual users. Casual users have to understand that every time they do use casually they are buying a bullet for somebody in one of these countries and they are killing somebody here at home. We have to find ways to bring it home.

So, I would like your input on that. I am going to just throw it open, and if there are no takers for this valuable microphone then I will ask a specific question.

Chief, do you want to add something at this point, or Mayor?

STATEMENT OF STEPHEN PERLA, MAYOR, CITY OF LEOMINSTER, MA

Mr. PERLA. First of all, Mr. Senator, I would like to applaud you for your efforts in the area of the war on drugs. I did in fact have an opportunity to watch you in that Senate session on television, and I thought it was very courageous and a very good job.

I would like to say clearly, listening to the conversation here this afternoon, it is very apparent that there are two major strategies. One is international; the other is local. The one that I would like to comment on clearly is in the area of local strategy.

In the city of Leominster we have taken a lot of steps to address the issue both from a reactive and, more importantly, a proactive stance. For example, we have established our drug enforcement unit in our local police department. We also have a comprehensive drug education program in our schools.

Beyond that, what seems to bother me is I think there is a critical question that all of us need to ask. That question revolves around what motivates people to take drugs. I think in order for us to be successful, we have to be able to: one, know what that response is; and, two, then attack from that response. I realize there are a whole list of reasons why people do it, but I think as a community and as a country in order for us to address this we have to get at that question.

Part of that clearly evolves around our ability to provide the kind of resources that are necessary. I think in the kind of governmental climate that we live in today it is a very difficult task because we see on the national and State front that those resources are not forthcoming.

When other people have commented, and I realize that you have heard it time and time again but I think it is important that it be emphasized, that in order for us to provide a successful educational program you need the resources.

Through no fault of yours, Senator, over the last 8 or 9 years with a Republican administration we have not gotten the kind of support from the Federal Government that I feel is necessary in the educational area.

Likewise in the are of public safety, we have been unable to obtain the kind of support that is necessary again in a local area.

I think Mayor Jordan Levy referred to this. Local governments need the kind of money to apply in order for those areas to be effective.

I also think it is an attitude issue. I think as you look across the country it scares me to death when I hear mayors and other leaders talking about the legalization of drugs, because that is one attitude which we have to fight. We cannot allow that kind of discussion to take place from our leaders. We must be very careful to make sure that we are willing to fight that kind of attitude.

That, I think, shows that some people are perhaps giving up. I think it is commendable to see someone such as yourself playing such a large role to keep that fight on, because I think it is important for the basic fabric of our communities.

I also have here today Dr. Amadeo, who is our school superintendent, because I firmly believe that education is an important part of this. He may have comment later on because he has been able through his leadership abilities to put together quite a program in our own school system. I am sure in this process he may have some other comments.

Thank you.

Senator KERRY. You know, regarding your comment about understanding why people do it, it is probably a good time to ask Donna McGuiness, who is a participant in the Spectrum House program, to share with us a few thoughts about the whys and what the opportunities are with respect to getting to people beforehand or even during.

So, I would like you to share some observations with us, if you would. If you would like to step up there you can if you feel comfortable in doing that.

STATEMENT OF DONNA McGUINESS

Ms. McGUINESS. My name is Donna McGuiness, and I am a resident at Spectrum House. I only started using drugs about 4 years ago. Until 4 years ago I was a legal secretary in Boston. I come from a very good family. My father is a Boston police officer.

Senator KERRY. Could you say that again?

Ms. McGUINESS. My dad is a Boston police officer. We grew up in a very stable family. I have two brothers and one sister. We all had the education that he never had, and we were brought up very well.

The problem basically was in my sense that I met up with a boyfriend, an exboyfriend now, that was trafficking cocaine and using cocaine and every other drug imaginable. We started living together, and after living with him for a while and fighting with him over the wrong he was doing and the wrong in what he was doing and trying to change him, I became inadvertently involved in all of that. I ended up starting to do cocaine. I started doing percocets, and it just got very out of control.

I left my legal secretarial job, and I started doing the drugs full time. I was running with him in 4 years of utter chaos, living on the streets, not having anywhere to go, not knowing where to go for help. I had lost my family at that point in time, which was my own fault. I stuck with him, and it was just constant chaos that I could not deal with anymore.

After being on the run with him for about 2 years, he got arrested right before Christmas of last year and was put away into a Federal institution in Texas because along with the trafficking of the cocaine, he had a license to carry. He had that license for approximately 10 years that he got from Lynn, MA.

Through having that license to carry, the last 2 years he had gotten so carried away with using cocaine himself that he started selling illegal weapons on the streets, even to younger children in the projects. It came to an amount of 37. I am not at all commending this.

Then in turn there was a group of people that I was hanging with at the time who were also honoring false prescriptions all over the State, and they got me into that and taught me how to do it and had me cashing all the prescriptions of the different pharmacies all over the State. I ended up getting arrested three or four times for that through cases which are still pending.

I am not stipulated to Spectrum House. After spending 6 weeks at ATU and MCI, Framingham, I decided that I could no longer be a part of that lifestyle.

When I got out of Framingham, I decided that I wanted help. My probation officer was very willing to help me. In turn, she had me call several different detoxification centers where I could go.

They have lists so long that I found it easier detoxing myself than it was to get into a detoxification center. There were about seven or eight that I would call every day, two or three times a day, and there was just no place that could take me. I was on waiting lists at all these places.

Spectrum was the first detoxification center. At the point in time I went for the interview, I did not need the detoxing so they could not accept me.

So, the woman at Spectrum House that interviewed me brought it to the therapeutic center that I am in now in Westboro Spectrum House and told them this was crazy, that I had been trying for 3 months now to get into a program and detoxed myself and that I should be put on the list for Spectrum House Therapeutic Community Center, which in turn was done.

It took another 2½ months of constant calling, 7 days a week, three times a day on a waiting list to get me into Spectrum House. I thank God that I kept it up and that I kept trying to get there because I did not know what to expect from a treatment center. I had never been to one before.

Spectrum House, as the district attorney, Mr. Conte, did say, has an age of, let us say, 20- to 30-year-olds, but those people in Spectrum House are the ones that have been selling the drugs to the children that we are talking about. Education, I think, is very, very important for these children.

I was very pleased with hearing the mayor and all the other people that spoke on the education. It is very important. I never had it, and I know that the other residents of Spectrum House that are that age never had it.

Spectrum House is one of the most reputable over the whole United States. I have just been finding this out myself. They will not tolerate any kind of covers. They will not tolerate drugs. They tolerate nothing there. They teach us day in and day out about structuring our lives and being able to handle the real world, which is very important to these people.

I know it is important to me because there are reasons that I am finding out through my counselor and through other people at Spectrum House in just living the daily routine that they have us live that there are problems that I have which stem back to my childhood through my family that led me to the things that I have done.

It is just really important for people to have that choice. I do agree that there are people in Spectrum House, and I have seen it happen already, who are just going to want jail. People have said that they would rather leave Spectrum House. It would be easier for them to go back to jail than it would be to stay at Spectrum House because Spectrum House in detail makes you take a look at yourself and realize what is wrong with you and what has been going on in your life and how to deal with daily routines in the real world.

Senator KERRY. I appreciate enormously your sharing this experience with us. Let me ask you if I can while you are here, the people who are there with you and the people that you have now talked with at great length who have been dealing in drugs and selling to kids, what do you think is the ingredient? Is there a common ingredient that you think would make a difference in whether or not they might have chosen to sell drugs or why they did sell those drugs?

Ms. MCGUINESS. I would say it has a lot to do with the peer pressures that are on the streets, and there are so many people doing it

like in bad areas such as projects and other places like that. You get dragged into it very easily. You can be.

Senator KERRY. Faced with the amount of money involved and everything else, why do you feel that education would make a difference?

Ms. MCGUINESS. Because it is important for the children to know about drugs and know that is all right to say "No" to drugs.

Senator KERRY. Do you think that makes enough of a difference that they can withstand the pressures of both the peers and the money?

Ms. MCGUINESS. No. There are going to be people no matter what. That is why Spectrum Houses are so important, because no matter what there are addicts out there. I am a recovering addict. For the rest of my life I will be a recovering addict. These people need places like Spectrum House to be able to go to in order to recover. It is very, very important.

Some people can go and try cocaine once, and that is marvelous for them; but there are people that have it in them, within them, and given all the education in the world it will not help. But it will definitely cut down to have the education at a younger age. Still, there are going to be addicts. The only way we are going to recover is through places like Spectrum House.

Mr. CONTE. Senator, if I might, it seems that are a couple of recurring themes through everything that everybody has said here.

I would just like to make this observation. I think as we try to combat drugs, I think that everybody has to have a policy and a strategy, whether it be on a Federal level, a State level, a county level, or a city level. I think the cornerstone of that policy has to be the ability to reduce the consumption of drugs. Then I think once we establish that policy, I think the solutions, believe it or not, at least in my opinion, come rather easily.

I think we ought not to be competitive, however, about the solutions. There is a place for Spectrum House. There is a place for education. There is a place for law enforcement. What we are getting here today is a comprehensive view of many different areas.

What comes through loud and clear is Spectrum House has a place but not for everybody. Some people need jail. Some people are so wicked and depraved that we have to take them out of society forever. Others can be rehabilitated.

I think all of these solutions are not mutually exclusive, and I think that is the point I want to make. We have to go forward, Senator, on all fronts: rehabilitation; education; courts; prisons; community; parents; and doctors.

I do not want to get into too many different areas, but just recently in the district attorney's office, which I think sometimes has become a social agency, we started a program or are starting a program on AIDS, education of young people in the juvenile court on the dangers and the experiences of AIDS.

We are working with the health department in the city of Worcester and Dr. Sullivan down at the University of Massachusetts. Now that is a unique program, but it is not mutually exclusive, and it should not be to the detriment of other programs.

We need residential beds. We need methadone treatments. A lot of the people at Spectrum House are going to fail. We have to rec-

ognize that fact. Some are going to be successful like you, and you deserve an awful lot of credit for being here.

I do not want to get too long winded, Senator. This is your show.

Senator KERRY. We are delighted to share the wind.

Do you want to add anything before I call on somebody else? Donna.

Ms. MCGUINESS. I think I have said just about everything that I wanted to say.

Senator KERRY. I really appreciate your perspective. I know it is not easy to stand up in public and talk about it at all, so I really want to thank you very much. [Applause.]

I also want to congratulate you on the choice that you made and on the great steps forward that you are taking. I am confident that in the long run you will find that the pain of it all will be worth it. I really think already you are making a great contribution.

Thank you.

Let me ask you, Dan, with respect to the housing process, you talk about eviction. Is there any specific way you can safeguard? What happens when the kids are involved? You have kids being used as shields and all of a sudden you want to evict somebody but you have a family and so forth. How do you protect rights at the same time as you impose that tough policy that we need to impose?

Mr. MOYNIHAN. That is a very real problem, Senator, and I think that is probably the basis of the controversy in Washington. In pursuing a tough eviction policy, is it possible that some innocent family members may lose their homes? That is a very significant threat to say that somebody is losing their shelter.

The problems that we have seen have been so severe that we come down on the side of saying a tough eviction policy is necessary, that it is impossible for housing authority management and supportive services to stop that; that we must look to the families and the residents to enforce the rules, and they must be responsible for the actions of their family members and their guests.

So, although it might seem to be harsh and it might in effect have some consequences that should not be deserved, making a call one way or the other, we go with a tough eviction policy.

Senator KERRY. Has HUD helped you in past years in the implementation of that?

Mr. MOYNIHAN. Secretary Kemp has, as you know, issued directives that make the eviction process speedier. Although as I say that, it is not a panacea, and some of the administrative remedies have been removed. Eviction is still a very lengthy process, and it is very difficult. People are reluctant to take somebody's shelter from them.

So, we pursue it, and we do it as quickly and as aggressively as we can, but it is still a very difficult process.

Senator KERRY. Is there any way to transfer the eviction information regarding somebody out of a Federal project so that they do not just go jump into a State project and circumvent it, et cetera? Does that coordination exist yet?

Mr. MOYNIHAN. That happens, and we find it very difficult to get information on the arrest records of applicants for public housing. It is an issue that is very important, Senator, and I think that public housing authorities should have some access.

I know that members of the Worcester City Council have in this forum in the recent weeks said why does the housing authority not deny admission to people who have a history of drug abuse, and we answer we would be delighted to do that. If we could get that information and would know of convictions for drug abuse or drug dealing, we would certainly deny them admission.

The short answer is that the coordination and ability to find that information out does not exist today.

Senator KERRY. Either I or my staff will be in touch with you. As you know, I am working on the Housing Act of 1989 with Senator Cranston, and I assure that whatever we come out with—and we will come out with something—it is going to have in it a component that is going to try to deal with drugs in the housing projects. Hopefully, we can help address that further.

If you have additional thoughts, incidentally, I would very much appreciate receiving those either directly or through the committee process through your testimony here. We would appreciate it.

There are some folks who have not yet had a chance.

Chief Melia.

STATEMENT OF TOM MELIA, POLICE CHIEF, NORTHBRIDGE, MA

Chief MELIA. Good afternoon, Senator. My name is Tom Melia. I am the police chief of the town of Northbridge, which is a small community just south of Worcester, approximately 13,000 population and 23 police officers.

After listening to everybody talk today, particularly Donna, I related to the same situations as some of the larger towns and cities and particularly some of the things that you have heard across the country.

Speaking for myself and the town of Northbridge, I would like to thank you personally for everything you have done to combat the war on drugs countrywide.

What is important to mention is I believe the small communities have the same problem as everyone else. I have talked to people who come up to Great Brook Valley every single day. I have talked to the families whom these young people are stealing from. The problem is just countrywide in every single community.

Massachusetts is confronting right now a serious financial dilemma. I have a police department of 23 members. I have only been chief since January, and I have the unfortunate occasion when I go home today of laying off or giving notice to eight policemen as a result of fiscal constraints.

Having been a drug officer for years, I know that in any war on drugs you need three things. You need manpower, you need information, and you need money. We in Norfolk have been very fortunate over the years. We have had officers that have obtained a lot of information. As a result of having a great relationship with Mr. Conte in the district attorney's office we have also had all the money we needed to combat these certain offenses.

The thing I am trying to relate to you—and I do not know what you can do—is I think there just have to be priorities where different layoffs are going to be in different communities and also State employees.

I do not think policemen are the answer. I agree that education is very important as far as the war on drugs, but just as important, if not more important, is law enforcement. I just do not believe that laying off policemen is the answer. Anything you can do would certainly be appreciated.

Thank you.

Senator KERRY. Thank you very much, chief. I appreciate your perspective as somebody who has spent a lot of time as a drug officer. It is a tough effort, and I do not envy you having to lay off eight folks at this point in time, which is about as absurd a step as I can think of contrasted to the predicament that we face.

I hope not only the Government but the citizens of this State are going to face up to some of those realities soon.

Is there any other comment before we wrap up?

Yes, Captain Carbone.

STATEMENT OF MR. CARBONE, CAPTAIN, FITCHBURG, MA

Mr. CARBONE. Again, I extend my sincere thanks and invite you to Worcester County as everybody else did.

I wanted to talk to you mostly from the police point of view. It seems now that most of your drug dealers do not fear the police or law enforcement, per se, because of the due process that they have to go through. What they fear is other drug dealers because they kill one another. Of course, everybody else gets involved in the middle of it, children, the aging, and everybody that is around a particular area at the particular time that these things happen.

What I would suggest to you and Congress is that maybe somehow, as District Attorney Conte said, there could be a Federal enactment of some type or Federal laws that could speed up processes.

The drug dealers know that, so to speak, the hands of the police are tied. We should have within the area of the inner cities where a large amount of drugs are being sold a place where citizens can go and report confidentially to either block captains or what have you, and that information should be pursued rigidly by law enforcement.

Also, I think a subject that nobody has really touched on here this afternoon is in regards to people coming in here from Central American countries, et cetera, that are dealing in drugs. They know that the immigration laws and the deportation laws are a very long process.

In the city of Fitchburg, we are now dealing with several people that were arrested. It is a very difficult process to try and deport these various individuals. They just keep on selling these particular substances until it happens.

Senator KERRY. May I just intercept you there for one moment? That is a very interesting issue that you raise, and there is a debate about it, obviously. Illegal aliens come in, and they deal drugs, and they make big money fast conceivably. Then maybe they get caught, and people say, "Oh, it is an illegal alien, let us kick him out of here, he does not belong here."

I have been thinking about that for a while, and some people are not going to like the response to it, but it seems to me to be the

only way to get at it is not to kick them out but to put them in prison and to have the prison capacity to put them in prison.

The problem with kicking them out is you just create a revolving profit door. The next alien will come in and then the next one. They will keep sending them in. They say, "Hey, you go up there for your 2 weeks duty and you clean up a quick nest egg of $100,000, and then you come back."

I remember this. I remember when I was in the military and I was stationed in San Diego. The word got around fast. Do not get stopped for a traffic offense in Tijuana. You will never see your car again, and you probably will not get out. You go there, boom, it is shut away. Now I tell you, you drove carefully. You even said, "Hey, let us take your car, not mine," and you paid attention. We have to have that kind of thing.

If you go up to the United States of America and you get caught doing something, you are going to pay a price. So, I think we have to think carefully about the question of deportation as the solution. That is why it comes back to this question of fighting a war and creating the resources.

I think after a while there may be an upfront cost because you may be putting a few people away, but I say build modular because I think 10 years down the road you are not going to need it after enough people get the message there is a place to put you.

That is a very interesting question which we ought to resolve.

Mr. CARBONE. I would just end with saying that I would hope that Congress and the people down in Washington would probably consider this particular avenue and have a sober debate on the ideas that you have with regard to this. Of course, there are probably millions of other ideas.

Senator KERRY. Well, Captain, I appreciate it, and we certainly hope to be able to help you out. I mean that.

We are going to have to wrap it up in a couple of minutes. If there is any comment anyone wants to make, I do not want to shut anybody off but I also do not want to make you talk.

Lieutenant.

STATEMENT OF ALEXANDER DONOGHUE, LIEUTENANT, WORCESTER POLICE DEPARTMENT, WORCESTER, MA

Mr. DONOGHUE. As I sit here, Senator, approximately 3½ hours ago 10 officers and I executed a search warrant for narcotics in the city of Worcester.

You asked a question as to possibly what the reasons were for people delving into narcotics. Much of it is the profit. There is a lot of money to be made. More and more often there are people who are users and are dealers as well.

There are vast amounts of money to be made with regard to narcotics. One of the sources that we find that works relatively well is taking the profit out. That is a very well used term. It has been used over and over. I speak of it from the local level.

We do not take airlines down. We do not take down boatsful of cocaine. We deal with people who deal in quantities probably less than a kilo.

Take away their motor vehicles. Take away their homes. People do not realize pain until they physically lose their possessions. Going to jail for many of the people I am familiar with has only been a transition of maybe 2 to 3 years while other members of their families or people they dealt with dealt those narcotics. Coming back out on the street, they are back in business again. I have a list of probably 10 names off the top of my head I could think of, and probably the district attorney could think of some similar names.

I would suggest that the laws that we currently should be enforced with gusto to take the profit out, to take these motor vehicles away from people, to take their life's earnings away if necessary. It goes on and on and on.

We in law enforcement treat the symptoms of a far greater problem. That is how we do it, treat symptoms. It is an entire societal problem. It is not just solely law enforcement.

So, the efforts of all of these people here today are well understood, I think, by myself and you, Senator. On the local and smaller level, there is profit which has been made, and I would personally like to see us delve into that more deeply.

Thank you.

Senator KERRY. I appreciate your comment very much, Lieutenant.

On that note let me express my appreciation again to the city and to all the participants. I would like to acknowledge that both city councilors, Ray Mariano and McGraw, were here during the course of this, and I appreciate their attention. Representative John Benenday was here, and we are certainly appreciative of his interest, also.

I want to thank all of you very, very much. I am just going to end the formal part of it. If you have a comment you want to make, I would be happy to entertain it but not as part of the formal hearing.

[Whereupon, at 3:30 p.m. the hearing was adjourned, to reconvene subject to the call of the Chair.]

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